THE MELISH CASE

CHALLENGE TO THE CHURCH

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THE MELISH CASE

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"The liberties of the whole Church are threatened here. Which is to prevail in the Episcopal Church—the courage of ministers who are trying as God gives them grace to interpret the Gospel of Christ in a troubled time and the loyalty and love of a congregation that sustains them: or the power of a repudiated vestry and an unfriendly bishop to invoke canonical and civil legalisms that destroy the loyalties built up through many years?"

Walter Russell Bowie
Union Theological Seminary

"The ecclesiastical apparatus of the Diocese of Long Island . . . has professionally 'lynched' two ministers who entertain unpopular opinions. It is actually 'here' now. Thought control! Regimentation of opinion! Suppression of opposition and criticism! The Melish Case is going to become a Dreyfus Affaire in the Episcopal Church. Every Episcopalian and every American stands in jeopardy because of it. . . . Read this booklet and weep for your Church and your American ideals! Then get fighting mad!"

Joseph F. Fletcher
Episcopal Theological School

"In the Church-at-large there is a multitude of men and women to whom Dr. Melish has become a symbol of all that is noblest and highest in the Christian ministry. This church has risen above custom. It has been a city set on a hill! The people of this parish have seen his worth, caught his vision, given him a free pulpit and free hand and have backed him and worked with him to accomplish his great goals. A great people as well as a great minister make a great parish."

William Scarlett
Bishop of Missouri
Holy Trinity Centennial Address, 1947

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This narrative is the collective work of nearly a score of persons close to the Holy Trinity situation, familiar with the personalities involved, and having access to the legal documents in the case. They have sought to present the basic facts objectively and dispassionately. Their conclusions, painstakingly reached, are strong and emphatic. These they commend to the reader on the basis of intrinsic merit.

AROUND THE WORLD

THE REMOVAL of the Rev. John Howard Melish, D.D., LL.D., as rector of the Church of the Holy Trinity in Brooklyn, New York, after forty-five years of distinguished service in the Episcopal Church, has set in motion a chain-reaction that has gone around the world.

"Dr. Melish is ousted," headlined *The Brooklyn Eagle* in two-inch type. The sober *New York Times* and *New York Herald-Tribune* gave the story front-page space, as did newspapers generally across the nation. In Sydney, Australia, in New Zealand and in the Spanish Press in Mexico City the news was printed. In England the *Manchester Guardian Weekly* devoted two columns to analysis. The editor of a Paris daily, in New York to cover the United Nations, thought the matter of sufficient interest to his French readers to warrant his coming to Brooklyn for an interview.

Hundreds of letters of shocked protest have poured in. A British clergyman writes, "We are watching the case closely. No bishop in England has dared to go so far." A member of Parliament sends sympathy as does a Regent of Cambridge University. From Rome comes an inquiry, from Sweden an offer of assistance, and from Istanbul in Turkey a typed note declaring the deep concern of the Mohammedan writer who cannot sign his name "because great persecution in my country."

The Soviet Radio has beamed to Eastern Europe and the Far East "The Case of John Melish," pointing out that the arrest of certain churchmen in the new democracies for anti-governmental acts has been sharply criticized by Americans as an infringement of religious liberty when in the United States a leading clergyman and his son are removed from their parish because of the "crime" of pleading peace and understanding between West and East. That these broadcasts have been widely heard can be gauged from a letter from an American in Shanghai. "When I talked with Chinese peasants and trade unionists and they learned I came from Brooklyn, they asked me if I knew the Melishes, and I was proud to say I did."

On his 75th birthday the venerable Rabbi Stephen S. Wise returned from retirement to preach in his old pulpit in the Free Synagogue he

had founded in New York City. For the subject of what proved to be his final sermon to his people, he chose "The Melish Case," and spoke on its significance for American civil liberties. Forced to his bed a few days later, he passed into a final coma. Opening his eyes, he asked his daughter, "What has happened to my friends, the Melishes?"

Such are among the many indications that this is something more than a conventional parish controversy. It is a matter that involves grave issues of freedom and democracy and peace. By observers within and without the country, what has happened at Holy Trinity is being interpreted as a symptom of certain basic changes taking place in American life and psychology in a period when the democratic tradition is being challenged by economic pressures resisting social change.

For the religious it brings up sharply the question of the Church's capacity to preach the Gospel of its Lord. "Why doesn't the Church speak out?"

Here is the answer. The prophetic ministry is dangerous. Only the most intelligent, imaginative, convinced and selfless among the clergy will run the risks of a creative social ministry. When they do, they often find their worst enemies, as Jesus did, not in the secular field but within the hierarchy and the lay leadership of their own churches.

The situation at Holy Trinity that has provoked these worldwide repercussions is analyzed in these pages. The story is complex but raises many questions that a Christian Church, wishing to survive and to win converts in the contemporary, changing, urban and industrial world of the second half of the Twentieth Century, will do well to ponder.

CHAPTER ONE

A PROPHETIC MINISTRY

FORTY-FIVE YEARS AGO the Church of the Holy Trinity in Brooklyn, New York, was on the lookout for a new rector. This distinguished parish, made famous by the music of Dudley Buck, had enjoyed the civic ministry of Charles Henry Hall who while rector had served on the Civil Service Commission, and the intellectual preaching of Samuel McConnell whose sermons and lectures on liberal religion had taken him from coast to coast. On the vestry was a remarkable layman, Mr. George Foster Peabody, who had made a fortune in investment banking and now, inspired by the theories of Henry George and the social teachings of Francis Greenwood Peabody and Walter Rauschenbusch, was seeking to further a vital Christianity. Learning of a young clergyman in Cincinnati who might be well suited to meet Holy Trinity's requirements, he journeyed west to interview him, and then persuaded the Brooklyn vestry to extend a call. In 1904 the Rev. John Howard Melish came to Holy Trinity and began a ministry that has made him known throughout the Church as a leading exponent of the social application of the Christian Gospel.

In Cincinnati this red-headed football player—"Deacon Melish"—after preparing for the ministry, had gone on the staff of downtown Christ Church in association with Frank Nelson, where he had built up a remarkable work among underprivileged men and boys who needed recreational and social opportunities. Friendship with these working boys opened his eyes to certain ugly facts. He found that many were losing their wages on Saturday nights in gambling houses. When he protested, the police laughed at his innocence and disclosed the tie-in between the organized gambling racket and the corrupt Cox machine that ruled the city. Similar abuses were coming to light in other municipalities and were being described in a brilliant series of magazine articles, "The Shame of the Cities," by Lincoln Steffens. Howard Melish invited this roving reporter to visit Cincinnati. After the first few days he expressed disappointment. He had unearthed no graft. A week later he declared, "This is the most corrupt city in America because the graft is hidden and efficient."

The young minister described these findings in his Sunday evening sermons. More people attended than came to hear the rector of the parish in the morning. There was sharp disagreement. The Christ Church vestrymen, prominent figures in the community, were distressed at revelations that involved their friends and business associates, and to some degree compromised themselves. *The Cincinnati Times-Star* pilloried the preacher as a "muck raker" and printed cartoons showing him hurling mud at the fair banner of Cincinnati. *The Post* came to his defense. Such a wave of civic indignation was aroused that a movement began to coalesce to fight the Cox machine. It proved the precursor of the City Charter Movement that made Cincinnati for years a model among American municipalities with its city manager form of government and its use of proportional representation for its City Council. Years later, the University of Cincinnati, which in the Cox-dominated days had virtually disowned its star football player and graduate, was happy to honor him with the degree of Doctor of Laws.

Howard Melish agreed to come to Holy Trinity on two conditions. The pew rental system must be abandoned in favor of a free church open to all worshippers, and the rector must have the right to determine policy and not simply be the executant of policy already determined. To these conditions the vestry consented.

Although *The Brooklyn Eagle* greeted the newcomer as "the young Dr. Parkhurst from the middle west," he avoided any futile attempt to repeat his Cincinnati civic reforms and devoted his energies to the creation of a program for his new parish along institutional lines. Once again the work with men and boys proved most successful. Trinity Club came to have more than a thousand members and its teams competed successfully with the best amateur athletic clubs in the city in baseball, track, boxing and handball.

Next to his interest in men and boys, Dr. Melish gave his best talents to his preaching. These were the days when biblical studies and scientific criticism were something new. He made the liberal approach to religion the theme of his sermons. Intellectual inquiry continued to be a part of the parish's life and outlook, as it had been in Dr. McConnell's day. Drawn to Holy Trinity in consequence were men and women from all parts of Brooklyn who wanted the Christian religion to appeal to their minds and consciences as well as to their emotions. Supplementing the pulpit for handling the more controversial questions, a forum was developed in the parish house where spokesmen for many causes joined in brisk debate. Invited to preach on Sunday would be

such socially-minded men as Bishop Spalding of Utah and Bishop Williams of Michigan. When Dr. Algernon Crapsey of Rochester was accused of heresy because of his unorthodox views on the Virgin Birth, it was Holy Trinity that gave him a hearing and a member of the parish, Mr. Edward M. Shepard, who later conducted his legal defense. Hospitality to new ideas became a parish characteristic. The liberal tradition was strong, the text engraved upon the pulpit—"The Truth Shall Make You Free"—was taken literally, and in the background was the generous Mr. Peabody whose bulwarking of the budget did much to keep the parish serene. From him and others like him was to come the bulk of the endowments that since have helped maintain this downtown church.

Perhaps the most explosive religious book ever to appear in America was written in the parish house, unbeknown to the rector, by the superintendent of its Trinity Club work, Bouck White. "The Call of the Carpenter" was a pioneer attempt to interpret Jesus as a social revolutionary and to use economics as a key to the understanding of his times, a method more recently employed by Conrad Noel in England whose "Life of Jesus" was inspired by Bouck White's book.

Though Dr. Melish was never a Socialist in theory or partisanship, he numbered many socialists and pacifists among his friends. He wrote an eloquent biography of the great socialist bishop of Utah, Frank Spalding, and a beautiful tribute to his successor, the pacifist bishop of Utah, Paul Jones. Deeply attracted by the intellectual and ethical idealism of both movements, he nevertheless rejected their dogmatic formulation, preferring simply to call himself a "Social Christian."

Believing in the rights of Labor, he sat for many years on the Central Labor Union of Brooklyn as a representative of the diocese of Long Island. In the Steel Strike, when the eight-hour day and the closed shop were fighting issues, he joined with Bishop McConnell, Rabbi Stephen S. Wise and Dr. John Haynes Holmes in public support of the workers against the Steel Trust. As World War I drew near, he spoke against the economic and imperialistic rivalries that were making the conflict inevitable. A wave of criticism descended upon his head. He has often told his friends that he might have been ousted from his parish in that delirium of pre-war patriotism, had not an accident confined him to a hospital bed for many months and welded around him once again the divided sympathies of his parishioners. Due to the carelessness of a subcontractor, the stairway of an elevated railway platform under repair was left unguarded. Coming home from a meeting late at night and running to catch an approaching train,

he plunged through a missing step to fall eighteen feet to the pavement below. His hip and wrist were badly shattered. Ever since he has been lame and deprived of such favorite recreations as tennis, golf and horseback riding. When he was able to return to the parish, the war was on. The congregation eagerly organized to meet the recreational and social needs of the service men who were passing through the port of New York.

In the ensuing years at least four major creative contributions have been made by Holy Trinity. Out of the unity and comradeship of the war were born the Community Lenten Noonday Services which ever since have invited not only Episcopalians as preachers but the leading representatives of other denominations, and, since World War II, at least one liberal rabbi in each season. With the aid of such prominent medical men as Dr. Luther Warren, Dr. Richard Westbrook and Dr. Robert L. Dickinson, Holy Trinity started the Associate Clinic of Religion and Medicine, bringing together doctor, psychiatrist and spiritual adviser to minister as a team to troubled mind and body. Two brownstone houses adjoining the rectory were purchased to provide a residence for young men and women coming from the colleges to take their first jobs in New York City, where they might enjoy congenial and wholesome living quarters on beginners' incomes. In the parish house a Committee on Housing was established, with an office and a volunteer secretary, from which stemmed the pioneering studies for the public low-cost housing projects that now grace many sections of Brooklyn. All this time the gymnasium and the parish house were constantly in use for recreation among men and boys without distinction of race, cultural background or religion. These activities were criticized because they brought only a scant handful of recruits into the parish from their many members, but they have done something that has been more important. They have given the Church a respect and a moral standing in the whole community of Brooklyn.

In the debate on American participation in the League of Nations, Dr. Melish took a part, preaching and writing in its behalf, visiting many cities. Together with his wife, he marched in peace parades. At Holy Trinity was formed what he has always thought to be the first Parish Peace Committee in the country. For years it continued to distribute educational literature to the members of the congregation and to all the ministers of Brooklyn churches in an attempt to stimulate interest in effective international cooperation.

The influx of thousands of new residents from other cultures into

Brooklyn created a vast problem of assimilation. This became the particular field of interest for Mrs. Melish who for many years served on the board of the International Institute of the Y.W.C.A. which maintained on Brooklyn Heights a hostel to which working girls of different cultural backgrounds might come to live.

In a New York City controlled by Tammany Hall, the old concern for clean government was not forgotten. With other leading citizens Dr. Melish served for many years on the City Affairs Committee. When conditions during the term of Mayor James J. Walker became intolerable, he played a modest part in the formation of the fusion movement under Judge Samuel Seabury that elected Fiorello H. LaGuardia to City Hall. When William O'Dwyer was inaugurated Mayor, it was Dr. Melish who gave the invocation at the induction ceremonies.

That this outreaching social ministry was no arbitrary thing but had the interest and the stamp of approval of the larger Church is clearly indicated by the election of Dr. Melish as a clerical deputy from Long Island to the triennial General Convention of the Episcopal Church on four separate occasions: in 1913, 1916, 1931, and 1934; and by his appointment as secretary of the Joint Commission on Social Service of General Convention, the predecessor of the present Social Service Department of the National Council.

Twice in his ministry at Holy Trinity deputations came to see him from vacant dioceses that were about to elect bishops. In each case, after thoughtful discussion with his intimate friends as well as his family, he declined the nomination. He loved the work of a parochial minister and cherished above all else the freedom of the pulpit which he enjoyed at Holy Trinity. Although he respected the work of a bishop and had seen the moral power and prestige of the office when held by a man of courage and intellectual conviction, he knew the heavy responsibility placed upon a bishop to finance his diocese, the constant need to solicit funds from those able to give generously, and the curtailment inevitably involved for a preacher concerned with contemporary issues. He never regretted these decisions.

The life of the parish moved along steadily. Occasionally there were difficult moments as when an assistant minister, the Rev. Bradford Young, joined the Socialist Party, ran for the Board of Aldermen on that ticket, and campaigned in traditional soapbox style under the American flag on the streetcorners of Brooklyn Heights. When a serious strike broke out in the clothing industry in Paterson, New Jersey, Mr. Young took part in the picket lines and spent a night in jail. Later, when thugs and goons were hired to beat up women work-

ers, he involved himself in a strike at the Brooklyn Edison Company as a mark of public protest. The president of the company withdrew from the parish and canceled a sizable annual contribution. This the two ministers made up by taking cuts in their own salaries. By calmness and patience the rector weathered all such difficult moments. Mr. Young worked at Holy Trinity for thirteen years, winning the loyalty of the congregation and more than justifying the parish policy of complete freedom for the conscientious minister to express his convictions in word and action.

The conception of a church that Dr. Melish has inspired the congregation at Holy Trinity to accept, is that of a worshipping community radiating its moral and spiritual influence out into the larger world. The Christian Ministry is possessed of a dual function. It is both priestly and prophetic. In worship, sacramental life and preaching, a church expresses its allegiance to the Christian Gospel as the New Testament presents it. It is then incumbent upon clergy and laity alike to go forth and apply this Gospel to concrete situations in their neighborhood, the larger community, the nation and the world. This they must do by the light of their individual insight, imagination and conscience. Around the altar, the lectern and the pulpit will be found that unity which flows from common loyalty to the Person and teaching of Christ. In the concrete application there will inevitably be much variation and difference of opinion that will require mutual tolerance. Complete agreement is never to be expected. Indeed, it is not even an end to be desired. The objective of a parish is to stimulate a Living and Applied Christianity reaching out into the life of a world crying out for the Gospel of Redemption and Reconciliation. This Gospel in all its living vitality is the religious heritage that Dr. Melish and his associates are fanning into flame among the people of Holy Trinity.

CHAPTER TWO

ELIJAH'S MANTLE

In the summer of 1939, the Rev. Mr. Young received a call to become rector of Grace Church, Manchester, New Hampshire. After thirteen years at Holy Trinity, it seemed wise that he should accept it. His leaving confronted rector and vestry with a serious problem. Dr. Melish had been ill that spring and was no longer a young man. No one wished him to retire nor at sixty-five did he wish to do so. Yet the demands of the parish in the changing Heights surroundings were such that he required more competent assistance than that of an average curate fresh from the seminary or an older minister willing to accept a subordinate position.

After exhaustive discussion, on the initiative of the vestry an emissary was sent to Christ Church, Cincinnati, to interview the Rev. William Howard Melish, the younger son of the rector. Thanks to a considerable financial settlement for damages involved in his accident, Dr. Melish had been able to give his second boy the best education for the ministry available. He was a Harvard graduate and had spent a year at Union Theological Seminary and a summer at the Cincinnati Summer School in Social Service where he had done field work as a probation officer in the Juvenile Court. Two years followed at Cambridge University in England where he studied theology as an undergraduate at Jesus College, became president of its debating society and rowed at Henley in the Royal Regatta. Returning to the United States with a Master's degree, he took a fourth year at the Episcopal Theological School in Cambridge, Massachusetts, doing work at nearby Harvard in philosophy under Professor Whitehead and in government under Professor Hocking. Then, like his father forty years before, he joined the staff of Christ Church, Cincinnati.

In four years' time he moved from third assistant to the aging Dr. Frank Nelson to become his sole associate, developed competency as a preacher, mastered the various aspects of the institutional church, and did pioneering work in the creation of community councils in Cincinnati. Outside the parish he became the Cincinnati chairman of the Emergency Peace Campaign, planning its program with Alfred

Moore of the Methodist Publishing House and Rabbi Abraham Cronbach of Hebrew Union College. Their most ambitious undertaking was a citywide rally involving all the Cincinnati protestant churches, at which Miss Maude Royden of England was to be the speaker. That day the Ohio River over-ran its banks in the worst flood on record, the meeting had to be canceled, the city was placed under martial law, and for the next fortnight Christ Church parish house became the home of a hundred refugees from the river front.

Twice in Cincinnati Mr. Melish came under attack for his social views. When he advocated an embargo on scrap iron, oil and machine tools being sent to Japan for the war in China, parishioners protested, whose income came from the Cincinnati milling machine companies. When he joined with other ministers in sponsoring the first public meeting to be held in Norword, an independent area within Greater Cincinnati where were located the assembling plants of major automobile factories, the local press raised an outcry. The other clerical members ran to cover, all meeting halls were denied, and the gathering finally took place in a private home across the Norwood-Cincinnati line. With Mr. Melish in this first experience of strife in a company-dominated community was a young Wellesley College graduate, Mary Jane Dietz, who later became his wife.

The Washington Cathedral was in process of reorganizing its staff. There was a proposal to employ four canons, sharing the services and preaching, each assigned to a special field and pooling experiences in regular teaching assignments at the College of Preachers attached to the Cathedral. Mr. Melish was invited to become Canon Almoner, the antiquarian title for the minister in charge of case-work and assigned to relate the Cathedral to Washington social agencies. The post would mean wide contacts in the national capital, opportunity to teach and preach, the stimulus of meeting ministers from all parts of the country, and security of tenure.

To induce Mr. Melish to come to Holy Trinity instead of accepting the attractive Washington canonry, the vestry offered him similar security of tenure by entering a contract that he should come to work with his father as assistant minister but with the right of succession upon his father's retirement or death. This contract was entered into with the explicit knowledge and approval of the bishop of the diocese, the Rt. Rev. Ernest M. Stires, D.D., and followed a similar procedure adopted some years before by Trinity Church, New York, in the case of Dr. Manning who was called to be the assistant to Dr. Dix with the right of succession.

Things went happily. The two men shared the services and preaching, alternating in the pulpit morning and evening. Mr. Melish undertook to handle the Church School and the office routines, to share in the calling and to do the community activities that his father had done in earlier years. Dr. Melish concentrated on a ministry to the older parishioners, the sick and the shut-in, allowing his son to follow up the new people attracted to the parish.

In addition to parochial duties Mr. Melish began to play a considerable role in the diocese of Long Island. He was elected to the Diocesan Council, served as chairman of the Department of Christian Social Relations, and disbursed many thousands of dollars as the treasurer of the diocesan Army and Navy Commission. He took an interest in the displaced Nisei and helped establish on Brooklyn Heights a Japanese Hostel. He stimulated the merger of the parishes of the Good Shepherd and St. Philip's that resulted in the creation of a new parish and community center in the rapidly-expanding Negro section of Brooklyn. At Holy Trinity he interested the vestry in placing the parish buildings at the disposal of the Brooklyn Protestant Guild of the Deaf and for nearly five years conducted services for deaf-mutes at Holy Trinity and St. Ann's Church for the Deaf in Manhattan. Serving on the board of the Brooklyn Church and Mission Federation, he headed first its sub-commission on Economic and Social Justice and then the sub-commission on International Justice and Good Will, attending as its representative the Cleveland Conference on a Just and Durable Peace. A hard-working man, accustomed to long hours, little time for recreation, and a wide range of simultaneous interests, he began the same kind of many-sided ministry in which his father had so long served the Brooklyn community.

Now that the war was on, Mr. Melish saw that the future would be very largely shaped by the post-war relations between the United States and the Soviet Union. With these two countries allied in a common struggle, there was provided an opportunity such as might not come again in which a contribution towards greater understanding and cooperation between them might be made. Here was a crucial area in which the Christian Church as a creative and redemptive society ought to pioneer.

This conviction led Mr. Melish to spend his spare evenings helping to organize Russian War Relief chapters in Brooklyn and Manhattan. In his leisure hours he read the best materials available on the Soviet Union and learned to read Russian. The first talks on American-Soviet relations that he gave were so well received that other invitations came

and the fees he donated to the relief program. The United States War Department asked him to speak at a number of Army posts in the New York area where he addressed thousands of service men. Without interfering with his parish work or sermon preparation, he averaged two such talks a week over a period of four years, and various articles from his pen appeared in national publications.

The basic theme of this speaking and writing was the same: the United States and Russia, in spite of their differences of economic and political system, can and must learn to live peacefully together. Neither can eliminate the other by force or coercion. They must build the future by both of them contributing to some form of effective United Nations' Organization. The way to peace between them is to explore the things that the two peoples hold in common as well as their differences, and to encourage every form of intellectual and cultural exchange possible. To commend such a program to a wider public, he joined with other prominent New Yorkers in founding an organization for this purpose, incorporated under the Laws of the State of New York, the National Council of American-Soviet Friendship.

Except for one member of the vestry who came to see him privately and voiced an emphatic personal protest, Mr. Melish experienced no serious objection to this work, nor did any criticism come to the ears of the rector. This was an undertaking in keeping with the parish tradition of practical work for peace. These were "outside activities." Except for two evening Russian War Relief services and one evening mass meeting in support of the San Francisco Conference at which the United Nations was founded, there was no intrusion of this special interest into the life of the parish. Like all of America, the parishioners shared differences of opinion concerning the proper attitude to take towards Russia but during the war up to the death of President Roosevelt there was the same general acceptance of this work for peace that had marked other creative and exploratory Christian efforts in the previous decades of Dr. Melish's ministry.

In the spring of 1946, Mr. Corliss Lamont resigned from the chairmanship of the National Council of American-Soviet Friendship which he had headed since its foundation. The board asked Mr. Melish if he would consent to his election. After talking the matter over with his father, he agreed and in June succeeded Mr. Lamont. It proved to be an unpropitious time to assume such a post. The Truman Doctrine was shortly in process of promulgation. The "cold war" was about to begin in earnest. As the international situation degenerated, the Holy Trinity vestry became a local barometer. Storm signals began to reg-

ister. The individual vestrymen did not realize that they were repeating what had happened in the parish once before in 1917.

This time, as the issue developed, it inevitably involved both ministers. Spiritually and ethically their views had the same motivation. The son was a chip off the old block. At Holy Trinity, to borrow the words of a familiar hymn, "Elijah's mantle was o'er Elisha cast." When the vestrymen, in their growing antipathy to the public position taken by the assistant minister, found that the rector was in accord with him, they turned the fire of their antagonism on him as well. Instinctively they were acknowledging the prophetic identity of the two. They were striking not so much at either individual man as at a type of Applied Christianity that the "cold war" was making an embarrassment.

THE FIGHT FOR PEACE

Both Dr. and Mr. Melish recognized that this work for peace they had undertaken would have its risks. The daily increase in war-talk and the growing assumption that war was inevitable deeply troubled them. They shared the conviction that war between the United States and the Soviet Union could be avoided. For thirty years the two nations had lived peacefully in the same world. In a great war against a common foe they had collaborated successfully. However difficult the problems existing between them, a way to resolve them without recourse to war must be found. Certainly there were grave differences but there were also many things they held in common. The immediate task was to preserve what one could of the good will born of the war alliance, to check the development of some spiral of distrust and rearmament, and to encourage all points where constructive cooperative effort might prove possible. This was a task for the Christian conscience. It had to speak out now, or it might forever have to hold its peace.

The two ministers were not communists but they were concerned about the meaning of communism and the reasons for its increasing spread. Remembering the long struggle between religious institutions and Darwinism, they asked if there might not be some parallel in this matter of Marxism. Here was a body of thought containing at least sufficient truth that in the course of a hundred years it was winning a wider and wider acceptance until now it was motivating whole governments under which considerable sections of the Christian Church must live. It was not possible to dismiss these new ideas, nor could their implications be evaded. There was the double task confronting the Christian Church of finding a strategy to maintain worthy religious institutions and clarifying intellectually the true relationship between the two ideological systems of thought.

Both men had noted a parallel between the current impact of communism on western Christendom and the 16th Century impact of Protestantism upon a Roman Catholicism intertwined with the changing feudal system—a comparison pointed out to them by their friend,

the Arctic explorer, Dr. Vilhjalmar Steffanson. Both periods involved the emergence of new ideological systems closely related to certain fundamental economic needs. The bitter religious wars that resulted in the 16th Century did not resolve the ideological struggle but only laid Europe waste. Men finally had to learn to live together on the basis of political compromise and the tolerance of religious difference. Something similar would probably prove true of the current world situation. The ideological conflict between communism and Christianity was not to be lightly dismissed but neither could it be treated as simply a clash of abstract thought. It was closely connected with economic facts and political structures that were themselves changing. It could not be disengaged from the struggle everywhere for a better organized and more productive society capable of meeting human needs and able to remain at peace within itself. Christianity with its doctrine of man, and communism with its assertion of a humanist philosophy, both had a considerable stake in an ordered world. With the new atomic and bacteriological weapons, war was now a menace to both societies. An alternative must be found or both would tend to harden into militarized units at each other's throat.

As chairman of the National Council of American-Soviet Friendship, Mr. Melish gave public expression to this point of view. He went to Washington to testify before the Senate Foreign Relations Committee against the Greek-Turkish Loan and the Truman Doctrine. Speaking almost immediately after Mr. LaGuardia had pleaded for U.N.R.R.A., he warned against American by-passing of the United Nations and this placing of reliance primarily upon arms and coercion. He stressed the alternative of a long range program of relief, reconstruction, stimulation of East-West trade and the expansion of cultural exchange.

In June of 1947 his position as a responsible public spokesman was recognized when the Town Hall of the Air invited him to fly to Des Moines, Iowa, to participate in a broadcast forum sponsored by Drake University before a theatre audience of nearly five thousand people and a radio audience of four to five million, on the subject, "Are Christianity and Communism Incompatible?"

Two months later he received an invitation from the Yugoslav Ambassador in Washington to join a group of protestant clergymen going to the Federated Peoples' Republic of Yugoslavia to investigate the state of religious freedom and the circumstances surrounding the conviction of Archbishop Stepinac. The group, consisting of six clergymen and two laymen, spent two weeks of intensive inquiry in four of the six republics of Yugoslavia, and visited the Archbishop in his prison

cell at Lepoglava. On their return, the members published a factual report. This did a good deal to undermine the anti-Yugoslav campaign that the Vatican was then conducting around the Archbishop's imprisonment. The report gave the background of collaboration with the Nazis and the facts concerning the Archbishop's post-war anti-government activities that led to his conviction, and it punctured the widely-circulated misstatements about his treatment in prison. For this honest reporting the members of the group were savagely attacked in the Roman Catholic press across the country.

As a result of this European trip, Mr. Melish was invited in the late fall to appear again on the Town Hall of the Air in a discussion of "How to Combat Anti-American Propaganda in Europe?" In his prepared address he advocated a modification of the American policy of containment and coercion, a return to genuine reliance upon the United Nations and to the use of its relief apparatus and its economic committees for the stimulation of East-West trade, as the best means of relieving the growing European tension. The other speakers advised meeting propaganda with increased counter-propaganda, and urged greater appropriations by Congress for the "Voice of America" broadcasts, the dissemination of printed materials in Europe and the stepping-up of under-cover activities appropriate to a "cold war."

One week before the program went on the air, the Attorney-General of the United States, Mr. Tom Clark, issued the first of his infamous lists of so-called "subversive" organizations. On it was included the National Council of American-Soviet Friendship. No reason for its listing was given and all attempts to obtain a hearing on specific charges were refused by the government. While this list technically applied solely to the screening of employees in the federal service, its existence swiftly permeated into the whole of American life. The Town Hall of the Air did not wish to present a "listed" person on its nationwide facilities, yet, having announced Mr. Melish as a speaker opposite Senator Lodge of Massachusetts, Representative Case of South Dakota and Major General William J. Donovan, head of the wartime Office of Strategic Services, it did not wish to ask him to withdraw lest its reputation as a genuine forum for the discussion of major issues be compromised. Major General Donovan, who was also the chairman of the board of the Town Hall of the Air, resolved the problem by converting the discussion into a personal attack upon Mr. Melish, accusing him of being a communist because of his chairmanship of the National Council and his interest in other organizations concerned

with civil rights and colonial peoples. It was the conjunction of the "listing" by the Attorney General and this attack by "Wild Bill" Donovan on the radio that froze the attitude of the vestry of Holy Trinity against the assistant minister.

At the previous vestry meeting in November there had been criticism of the Yugoslav trip but when Mr. Melish had explained his reason for going and had pointed out the Roman Catholic origin of the attacks upon the group, every vestryman had shaken his hand at the close of the meeting. At the December vestry meeting, however, there was cold and implacable hostility. It made no impression upon the vestrymen when Dr. Melish expressed his conviction that the Attorney General's list was utterly illegal and unconstitutional when applied to any area outside the federal service, and that every American concerned about traditional civil liberties had to disregard such utter misuse of it, and oppose such methods of public intimidation. Were he himself a younger man, he continued, he would do the same work for peace his son was attempting. America was clearly caught in a wave of hysteria. He remembered only too well what happened after the First World War with its Palmer Raids and Deportation Delirium. It was his belief that this current frenzy was deliberately manufactured and would prove temporary. The time would come when all who succumbed to it would look back with dismay, chagrin and shame. His words fell on deaf ears. A week later an emissary of the vestry came to Mr. Melish in the rectory and advised him quietly to resign. This he declined to do.

The two ministers realized that they were up against a highly volatile situation complicated by this external atmosphere of hysteria and war psychosis. To complicate the situation within the parish, the month of January in 1948 saw a bitter cold wave and deep snow. Church attendance fell off badly the next few Sundays, which the vestry instantly attributed to the assistant minister. Over the protest of the rector they passed a resolution asking him to resign.

Both ministers began an intensive round of parish calls and activated members of the Every Member Canvass to help them. They found among the vast majority of the parishioners a state of perplexity but not hostility. The people knew and trusted their ministers. All that was required in most visits was some patient explanation of what the "listing" meant and did not mean. Attendance at services began to pick up with the better weather and by Easter Monday the chairman of the Every Member Canvass reported the largest number of contributors

to the pledge system in the parish's history. To reduce opportunity for further criticism Mr. Melish gave up nearly all outside speaking but found that one speech now drew ten times the publicity.

Though he was confining his energies almost exclusively to the parish, the National Council was campaigning against the decision of the motion picture industry, under pressure of the Un-American Committee of Congress, to produce a series of anti-Soviet films. From the advance studio releases it was clear that these pictures were designed to inflame hatred and to fan the war psychology of the country. When "The Iron Curtain"—the first of these films—was shown in New York, the Council cooperated with other groups in throwing a picket line around the Roxy Theatre. This pattern of protest was copied in other cities, and was repeated in many Latin American and European capitals. Box office receipts were disappointing. In spite of some belated Legion of Decency and Catholic War Veteran propaganda in support of the film, the public stayed away and the schedule of similar productions was sharply curtailed. As chairman of the National Council, Mr. Melish was attacked by Mr. Eric Johnston of the Movie Industry and blasted in such periodicals as *Time, Newsweek* and *Life.* Though he had never referred to the Council from the pulpit, he thought it wise now to do so, and preached a sermon on "The Church and Peace," in which he stated the problem confronting Christians concerned with contributing to peace in a time when organized groups were deliberately fanning the flames of suspicion and ill will.

On the strength of this parish calling, the response to the appeal for pledges, and the reaction to this sermon, the ministers expressed to the vestrymen their conviction that the strongest element of dissension in the parish centered in the vestry itself, and that they were certain these issues could be worked out with patience within the family. The ministers were willing to consider all aspects of the problem but the vestry must understand that from the ministers' viewpoint there were major ethical principles involved. It was not possible to retreat from this issue of war and peace without compromising the spirit of Christianity and the tradition of the parish. Nor could one in good conscience allow one's self to be intimidated by the Un-American Committee and Mr. Tom Clark. However, said the ministers, if it became obvious that the parish could not stand the strain imposed upon it by the publicity surrounding the chairmanship of the National Council, Mr. Melish would seriously consider relinquishing it, provided that time were granted him to work the matter out in such a way that the organization would not be injured that he had helped to found and in

whose work both ministers continued to believe. This step could be taken at the end of his normal term of office as chairman in April.

The vestry responded to this plea for time by producing a letter to be sent to the parishioners asking whether they considered the "outside activities" of the assistant minister "detrimental to the parish," citing specifically the chairmanship of the Council and pointing out that it had been listed as "subversive" by the Attorney General.

A group of parishioners who had gathered something of the tension that was marking these vestry meetings came privately to the rector and asked if they might contest the re-election of the warden and three vestrymen whose terms of office were to expire on Easter Monday. Having been through many previous crises in the parish in his forty-four years, the rector advised against this. He did not wish any invasion of the Holy Week services by divisive electioneering, and believed that an irenic attitude on his part could keep the situation in hand. The issue was not raised at the Annual Meeting either by the vestrymen or the ministers. Nevertheless, for the first time in parish history two nominations were made from the floor and the two vestrymen thus challenged were re-elected by less than four votes each. A resolution was passed requiring that a Nominating Committee be established before future Annual Meetings so that vestry nominations might be more adequately considered by the congregation.

The next morning the vestrymen mailed out their questionnaire and the wife of one of them called a press conference to which she invited all the metropolitan newspapers. What had been an issue within the confines of the vestry room up to this point was now not only thrown out to the entire parish but deliberately broken to the press and blazoned from coast to coast. She said that Mr. Melish was not a communist but a "half-baked follower of a half-baked Henry Wallace." The text of the questionnaire was released. Since this mentioned the National Council of American-Soviet Friendship and made the chairmanship the specific issue, the Melishes felt that this nationwide publicity took away from the assistant minister the option of quietly completing his term of office and withdrawing from so exposed a position. Now he could only resign the chairmanship with loss of principle and real damage to the Council.

It was at the May meeting of the vestry following this news-break that the vestrymen took the formal step of referring the issue between them and their ministers to the bishop of the diocese. The resolution was carried by a vote of nine to two. Dr. Melish at once wrote to the bishop informing him of this resolution and asked that he and his son

be permitted to come out to Garden City and talk the whole matter out. No reply came. Two months later Dr. Melish received a laconic note, stating summarily that the bishop had turned the vestry's letter over to the chancellor of the diocese.

The summer of 1948 saw the opening of a presidential campaign with American foreign policy a major issue. There was much agitation for a Third Party among those who felt dissatisfied with the position of both the old parties. The Melishes found themselves in sympathy with this movement. When the call for a Founding Convention came, along with other Episcopal clergy Mr. Melish went to Philadelphia as a delegate. In the latter part of the summer his father delivered the invocation at the mammoth rally held by the Progressive Party in the Yankee Stadium before 50,000 people. The Melishes did not inject their personal political preferences into the life of the parish. As election day approached, they simply urged their parishioners to register and vote as responsible citizens.

What touched off the final tempest was Dr. Melish's invitation to the Very Reverend Hewlett Johnson, D.D., Dean of Canterbury Cathedral, to preach in Holy Trinity. He had both a personal and a public reason for extending this invitation. When Dr. Johnson was Dean of Manchester Cathedral, he had entertained Dr. Melish who was then touring England as an exchange preacher and speaking in the major cathedrals and abbey churches. This was the first opportunity to return the courtesy. More than this, he wished to demonstrate by such an invitation that the Christian conscience is concerned about the maintenance of full exchange of information and the discussion of ideas.

It was a memorable occasion. A queue of waiting people extended four-deep around the block. The police estimated that 1,500 were inside the church when the doors were closed and that more than 500 were turned away. At the rector's invitation, the vestrymen ushered and at the close of the service most of them came to the sacristy to meet the Dean. But ten days later a formal document came to Dr. Melish from the bishop. In strictly legal language composed by the chancellor, it informed him that the bishop would make a formal visitation of the parish for the purpose of examining the state of the congregation and inspecting the behavior of the clergy.

A QUESTION OF POLICY

THE VESTRY at Holy Trinity, like that of many scattered city congregations, was a self-appointing and self-continuing body. Whenever vacancies occurred through death or resignation, the rector and vestrymen selected individuals from the congregation who were best suited to serve on the parish's governing board. Since there were five buildings to be maintained and a considerable endowment fund to be administered, it had become the practice to seek men who might have useful professional experience. Thus the composition of the vestry had come to include six lawyers, an investment broker, a varnish manufacturer, a business manager of a national magazine, a surgeon and a headmaster of a boys' school.

When Dr. Melish first came to Holy Trinity, he had made it a condition that he should be empowered to formulate parish policy in consultation with the vestry and not be simply the executant of a policy laid down by the vestry. This initiative in matters of policy had been respected through the years. The new men brought on the vestry, in consequence, were chosen primarily with respect to their skills in caring for the temporalities of the parish. It had been assumed, so liberal and socially active was the church, that any professional man who consented to come on the vestry would be in general sympathy with the parish's character and tradition. This the congregation had taken for granted in confirming without question or challenge any nomination placed before it by the rector and vestry at the annual meetings.

In the past when differences had arisen, there had always been sufficient liberalism in the vestry to defend a free pulpit and a vital ministry. The rector assumed that such would be the case even with respect to so controversial an issue as peace with Russia. He was wrong. His good friends on the vestry hardened into a solid opposition camp with only one man of the entire eleven defending the traditional parish principle of freedom for the conscientious minister.

But there was something more to it than Russia. If the views of the assistant minister were all that bothered the vestrymen, they could have waited awhile until the rector retired and then have dealt with

the younger man. That they would not wait and turned against their rector in spite of his forty-five years of service indicates that they were determined to take into their own hands the entire formulation of parish policy.

Holy Trinity stands in the old section of Brooklyn called "The Heights." When built a hundred and two years ago as one of the creations of "The American Gothic Revival," its edifice graced an attractive residential neighborhood. Drawn into its congregation were privileged families owning their own homes on the bluff overlooking New York Harbor. Their incomes were derived from investment banking, textiles, importing and shipping.

Today the neighborhood has changed. Skyscrapers, small businesses, hotels, restaurants and bars surround the church. The old brownstone fronts have yielded to apartment houses, or have been remodeled into 1½ and 2½ room flats, or have become multiple rooming houses. The old families are vanishing. Into their places are moving the more successful descendants of the European immigration that preceded the First World War. The complexion of all Brooklyn, including the Heights, is increasingly Jewish and Roman Catholic. Protestantism is on the decline and the defensive.

Were Holy Trinity the only Episcopal parish on Brooklyn Heights, it might still attract sufficient Episcopalians from the remaining older families and Anglo-Saxon stock to keep itself alive. But there are four other Episcopal churches, all competing for the same dwindling constituency. Under the leadership of the Melishes, Holy Trinity has been adjusting to these basic facts of life. Located at the transportation hub of Brooklyn, it has been following four principles.

First, the parish welcomes all who will join the congregation irrespective of social, racial, political or religious background, or place of residence.

Second, the Episcopal Prayer Book services are conducted in the liberal and evangelical tradition so as to appeal to a wide variety of people who find themselves responsive to ordered worship and intelligent preaching.

Third, Lenten noonday services bring together prominent ministers from other protestant denominations in addition to Episcopal clergy, and each Lent one liberal rabbi is included. The parish seeks to cooperate with the Protestant Council and to serve as one of the spiritual rallying-points in the Borough for non-Roman Christianity.

Fourth, the parish buildings are put to community use without religious test, and the ministers deliberately engage in a wide round

of activities that will make the parish known to people and attract newcomers to membership.

Over the years a steady stream of new faces has entered the doors of this worshipful church. Strangers have been made welcome without the presentation of prior credentials, the open communion has been practiced, and each year there have been affiliations by letter of transfer, baptism and confirmation. Though there has been a persistent annual decline in the total membership, statistics of all Brooklyn protestant churches indicate that Holy Trinity is maintaining its position better than most.

Within the congregation four trends are discernible. Individuals of modest income have been displacing the more socially privileged of former years. The parish list, once solid with preponderantly English names, is now generously spotted with those of Continental origin. Racially, the open door policy has attracted a number of Negro families who now constitute some 15% of the congregation. There are several families of American Indian stock. This past year the Hospitality Committee, made up of women who greet strangers at the door, and the Ushering Committee have consisted of volunteers drawn from the entire membership without discrimination. When Dr. Melish first came to Brooklyn, the support of the parish came from pew rentals and the deficits were met out of the pockets of the vestry. Today, the backbone of the budget, apart from the income from endowments and the Easter Offering, is the regular pledging of some four hundred parishioners through an envelope system. The Melishes, anticipating an increasingly difficult future for the parish in the face of changing local conditions, have advocated this democratization as the best guarantee of its survival.

When one keeps in mind the self-perpetuating character of the vestry and the successful professional and social status of its members, it is not difficult to see that quietly over the last decade a cleavage has been developing between a static vestry and a changing congregation.

This came to the surface for the first time in the winter of 1947 when Holy Trinity was preparing to observe its Parish Centennial. Three committees were created out of the entire membership to prepare a *Report on the Past,* a *Report on the Present,* and a *Report on the Future.* The chairmanship of these three committees was entrusted to two members of the vestry and a close personal friend. These three men, to a large degree, spearheaded the subsequent moves to get rid of the Melishes. In the committee sessions criticism was directed by the chairmen at the social aspects of parish policy and the range of inter-

ests of the ministers. When the *Report on the Past* was being edited, they insisted that all references to the outside activities of the ministers be deleted and that a paragraph approving the continuity of policy through the succession of the ministers be expunged. The *Report on the Future* expressed the hope that post-war apartment construction and re-zoning would bring into the Heights a new constituency. Three apartments have gone up but there is no guarantee that their residents will swell the ancient stock. Every probability is that they will reflect the cultural trends of Brooklyn.

There is reason to believe that the official arguments used against the two ministers—namely, their association with organizations listed by the Attorney General, their "subversive" views on peace with Russia, and the publicity surrounding their "outside activities"—were not the sole motivation of the nine vestrymen. They petitioned the bishop for the dissolution of the pastoral relation with their rector because they wished to get control of the policy-making power in the parish. What they desired was the re-orientation of the life of the congregation into more conventional channels and the re-establishment of the social character the parish had enjoyed in former years. At the vestry meeting at which the petition to the bishop was finally adopted, one of the nine vestrymen turned on Dr. Melish and declared: "I speak not only for myself but for at least two others in this room. The real basis for our objection is you, sir, and your obstinate insistence upon your policies. I would even keep Mr. Melish on as the assistant, provided you were out and a new rector was elected who would change the policy." It did not moderate their attitude to be reminded that the broad character of the parish long antedated the rector's coming and the establishement of his policy, or that the endowment funds, on which they were drawing each year as a source of income, had been given for the explicit perpetuation of a liberal and socially alive parish,

To the nine vestrymen the members of the congregation were less and less the familiar kind of Heights people with whom the vestrymen felt at home. The social homogeneity that seemed to them essential to a successful Episcopal parish was giving way to a diversity that they considered transient and unreliable. In spite of the most successful Every Member Canvass numerically in the history of the parish and a greater participation in its organized life by its members, the vestrymen refused to believe that the rank-and-file cared about the Episcopal Church and would sacrifice to finance its budget. They argued that the parish policies would only further alienate those among their friends who had the means to meet the increasing costs of opera-

tion. To their minds there was only one solution: petition to remove Dr. Melish, fire Mr. Melish, establish a new parish policy, get an energetic young rector who would follow their directives, and rebuild Holy Trinity as a fashionable enterprise, appealing for its financial support to other Episcopalians like themselves who found "controversial" issues distasteful.

The intention of the vestrymen was crudely expressed by the wife of one of them in the interview she gave the metropolitan papers. Said she, "A Republican congregation is entitled to a Republican rector."

Political considerations have never entered into the selection of vestrymen at Holy Trinity. This statement, however, brought to light the fact that all eleven vestrymen were of this one political persuasion. The ministers, on the other hand, were known to be interested in the Progressive Party. As for the congregation, no one knows its political views but it is probably safe to infer that the parish runs the entire spectrum of political allegiance to be found in the community. The Heights retains a Republican tinge but Brooklyn generally is Democratic and has always had a considerable Liberal and Progressive minority. A central downtown church ought to bring within its life a cross-section of political viewpoints. If its leadership is to be restricted to one position, as the wife of this vestryman suggested, the future of the parish will be dependent upon the political weather. This is bad strategy and incredible Christianity. A parish should have no test for membership and leadership other than an interest in, and a loyalty to, the teaching and application of the Christian Faith in the light of the individual conscience and insight.

This question of the fundamental policy of the parish was an exceedingly serious matter. It could make or break Holy Trinity. Congregations can be lost overnight but they cannot be created overnight—especially in a community like Brooklyn where the normal constituency attracted to the Episcopal Church is on a drastic ebb-tide. To the ministers the change the vestrymen wanted, while emotionally and socially understandable, was in reality an anachronism. If only this policy issue could be deferred until the annual meeting of the parish, it could be frankly faced. The congregation could express its views. This is the reason the ministers sought to defer the entire issue until the annual meeting and stated in public that they would willingly offer to resign if their policies were not supported. If the congregation did support them, as they believed it would, it would then be possible to obtain a more representative vestry. They knew that two of the vestrymen were about to retire professionally and would be shortly

leaving the community altogether. With deferment of the issue, it would not be difficult for the parish to secure a vestry reflecting its true wishes, and the whole problem would blow over. But the vestrymen, realizing that any such deferment would probably result in the replacement of some of their members, sought to force the issue in advance of the annual meeting. That is why they appealed to the bishop.

Unfortunately for both ministers and congregation, the bishop was a man unlikely to be sympathetic towards the policies of the parish. Not inaccurately he has been described by a prominent Anglo-Catholic churchman as a "conventional Catholic cultist." His emphasis since coming into the diocese has been upon churchmanship, the sacraments, doctrinal formalism and centralized authority. There were many things about Holy Trinity that he was bound to find distasteful—the parish's democratic orientation, its interdenominational tolerance, its interfaith sympathy, its liberal approach to theology, its openness to progressive social views, its experimentalism and intellectual hospitality to new ideas.

Ever since the earliest New Testament days there has been a tendency towards misunderstanding and antagonism between the priestly and the prophetic outlook. In this historic sense, the bishop of Long Island may be said to belong to the priestly school; the Melishes stand in the prophetic line. It is probable that on the ecclesiastical issue alone the bishop would not have intervened in the internal affairs of so important a liberal parish as Holy Trinity. Coupled, however, with a political issue on which the bishop had strong views, the ecclesiastical issue could scarcely fail to influence his decision. Here was an opportunity to rid the diocese of a discordant type of churchmanship and two troublesome ministers. Only this conclusion can be drawn from the unwillingness of the bishop to meet with either Dr. or Mr. Melish personally during the discussion with the vestrymen when the decision to ask the Melishes' resignation was being reached. It did not weigh with the bishop that as "pastor pastorum" he might have some obligation to protect his clergy from lay intrusion into the conduct of their priestly and prophetic office, or that the congregation might have some rights in determining the character of the life of their parish. As bishops are prone to do, he accepted the information of prominent vestrymen on its face value. When they told him that the parish could only survive and be financed if the Melishes were removed, he placed the question of the method of their removal in the hands of his chancellor.

This was not a good omen, for the chancellor and Dr. Melish had crossed swords on many a social issue on the floor of diocesan conventions for two decades. Colonel Jackson A. Dykman and the bishop are intimate personal friends. So strong is the chancellor's influence on the bishop that many have called him the bishop's "super ego." Well versed in Canon Law—for he is also legal adviser to the presiding bishop—the Colonel takes a strictly hierarchical view of the structure of the Episcopal Church. He is in theory and by instinct a "bishop's man." A corporation lawyer, he thinks in corporation terms. The rights of a congregation in the maintenance of a liberal and democratic parish to which they have been accustomed are unlikely to concern the chancellor very greatly. Indeed, in Court he was to take the position that in the Episcopal Church it is the vestry, and only the vestry, that determines the character and policy of a parish. It is not a congregational church—is his contention—and the only specific right a congregation has, in his opinion, is the election of the members of the vestry at the annual meeting.

This is to miss the spirit that has made the Episcopal Church a living religious organism. This spirit is expressed in the maintenance of an equitable relationship between congregation, vestry, ministers and bishop. The life of the people in the pews is the foundation-stone of the entire structure, the pastoral relation is its central bond, and the episcopacy is the capstone that provides the symbol and the agent of the whole body's organic continuity. When this subtle equity of relationships is lost, or denied, the historic character of the Episcopal Church goes with it.

A STUDY IN PREJUDICE

THE NOTICE from the bishop that he was paying a formal visitation to the parish made it imperative that the Melishes have legal advice. They sought a lawyer. Person after person they approached turned them down. There were expressions of personal sympathy but the facts were simple. The issues, since they had to do with Russia and the Attorney General's list, were "hot." After a long search, a meeting was arranged with Mr. William Mason Smith, Sr. A contemporary of Dr. Melish, this churchman and lawyer had been a partner of Mr. Edward M. Shepard who had defended Dr. Crapsey in the famous Rochester heresy trial, and a friend of Mr. Peabody who had brought Dr. Melish to Brooklyn. He is a member of the Committee on Canons of the Diocese of New York and a vestryman of St. Andrew's on Staten Island. His son had gone to school with the younger Mr. Melish. Mr. Smith, Sr. accepted the defense and Mr. Smith, Jr. undertook to assist his father.

The advice of counsel was that the bishop should be received with courtesy but that every effort should be made to get the congregation represented. Parishioners telephoned the bishop but were informed that the vestry was the only legal body with which he could meet. It was suggested, however, that a written statement might be placed in the rector's hands for presentation to the bishop at the visitation. Such a statement was prepared by the chairman of the Every Member Canvass detailing the participation of the parishioners and the returns as being numerically the highest in the parish's history.

The visitation took place in the church office on December 9, 1948. Present were the bishop, the chancellor, the rector and the eleven vestrymen. Although nearly all of what transpired circled around the activities and the views of the assistant minister, he was not invited by the bishop to be present. This was a Grand Jury proceeding with the accused in absentia, a further support to the contention that the objective was not so much an inquiry into his position and motivation as it was the alteration of the character of the parish, which involved primarily the rector and his policies. Nevertheless, in the course of the

meeting the argument was confined to the assistant minister. Presented by Mr. Bruce Bromley—shortly to be appointed a Judge of the Court of Appeals—in his best prosecutor's style, it contended that the Melishes were giving aid and comfort to "the enemies" of the country, that the positions they were taking were driving away the older members of the parish, that the newcomers in the pews were not genuine Episcopalians, and that unless something were done at once the fine old Church of the Holy Trinity would be destroyed. This harangue was liberally colored with "red-baiting" inferences and implications. At the close, Dr. Melish turned to the bishop and asked, "In your opinion, bishop, is this issue essentially theological, ethical, or political?" The bishop made no reply.

The appearance of Mr. Bromley as the spokesman of the vestry was not without interest. He was brought on the vestry six years before over no little opposition from within the vestry itself, since he was connected with the parish only through his wife and children. He rarely attended services. Nevertheless, because he was a successful and rising corporation lawyer with important Washington connections and a man of means, several of his lawyer friends on the vestry urged his election, expressing confidence that this would interest him in the parish. In the months after his election he was an infrequent attendant at the vestry meetings until the issue of the assistant minister began to simmer, when he appeared regularly in his place. It was his wife who arranged with Mr. Frederick Woltman, a specialist employed by the Scripps-Howard *New York World Telegram* to cover "left-wing" activities, to hold the press interview that broke the Holy Trinity family situation out into the newspapers. The same forces that had struck at other opposition voices to administration policy through the Un-American Committee, the Attorney General and the newspaper smear campaigns but had hesitated to strike directly at two ministers in a central parish because of public respect for the cloth, had found a backdoor through the vestry.

The bishop's visitation was formal. Neither the bishop nor the chancellor opened their mouths but simply listened to the statement of the vestrymen and the reading of a statement by the rector to which the declaration of the parishioners was attached. Immediately after Christmas, however, the bishop and chancellor consulted with the standing committee of the diocese and obtained a resolution recommending that both ministers resign from Holy Trinity. On the day before the January vestry meeting, Dr. Melish was summoned by telegram to meet the bishop in a private conference at Christ Church, Clinton

Street. At this meeting the bishop read him the resolution of the standing committee but hastened to add, "This is not my judgment. I was not personally present when the vote was taken and am no party to it."

The next night at the vestry meeting the whole ground of the controversy was gone over for the last time. One vestryman, who later refrained from voting, begged that the issue be deferred to the parish meeting in April when the congregation could have a chance to say something about the matter. This recommendation was voted down. The rector stated that, in his opinion, the proposed resolution would be uncanonical and illegal; it would be unethical in that it violated a contract between the assistant minister and the parish; it was uncharitable, inasmuch as they had known him since he was a boy; and it was unrepresentative of the parish, which would surely repudiate the entire vestry if the opportunity were ever given it to do so. The treasurer of the parish, Mr. Allen M. Taylor, who was the one opponent of the resolution, then stated his position: "I am voting against this resolution not because I agree with the ministers but because I still believe the principle of liberty is of such importance that it must be upheld. Any damage that has been done this parish by the assistant minister is as nothing compared with that which will be done by the passage of this resolution. You gentlemen have no conception of the storm of protest that you will bring down upon your heads." His words were greeted with stony silence. The vote was taken, nine in the affirmative, one abstention, and one in the negative to which the rector added his—9 to 2. The resolution was adopted petitioning the bishop to dissolve the pastoral relation between the Church of the Holy Trinity and the Reverend John Howard Melish, D.D., LL.D., its rector for forty-five years.

In the midst of the meeting while the discussion was still going on, to the surprise of all present the sound of militant hymns began to reverberate through the parish house. When the resolution had been passed, the sober ministers emerged from the rector's study to find seventy-five members of the parish gathered in the kindergarten room. Suspecting that a crisis was at hand, they had come to show their support of their ministers. When the news of what had actually happened was told them, there was an outburst of angry resentment. Then and there was formed "The Committee to Retain the Rector.'

This Committee began a canvass of all the families in the parish and in a few days' time obtained 321 signatures to the following statement:

"We, the undersigned members of Holy Trinity parish, are completely opposed to the action of the vestry in asking for the resignation of our rector, Dr. John Howard Melish.

"We have the utmost affection for Dr. Melish and approve the policy he has consistently followed for the 45 years of his rectorship. We state that the vestry in this action in no way represents our sentiments."

Since the number of eligible voters in the parish was 446, this represented an expression of some 70% of the legal membership. This information was immediately transmitted to the vestry and to the bishop in the hope that action might be deferred until the parish meeting. It made no impression. The vestrymen proceeded to file their petition with the bishop and he acknowledged its receipt by ordering a hearing before the standing committee of the diocese on February 15, 1949, in the Cathedral House at Garden City.

The bishop telephoned Mr. Melish to meet him at once in the diocesan house. He told him that as a father with sons, he could understand Dr. Melish's desire to stand by his boy. When he had talked with Dr. Melish at Christ Church, Clinton Street, and read him the resolution of the standing committee, he had noticed a wistful look in his eye, as if he were pleading, "Would that my boy would relieve me of this burden!" "If you will only offer to resign," continued the bishop, "I think I can persuade the vestry to withdraw their petition. That will permit your father to continue for the present as rector. Since he is physically incapable of carrying on without help, we can supply him temporarily with an assistant. Then, when this unhappy affair has blown over, he may retire normally with all the honors due him for his long service, and the parish may move ahead."

Mr. Melish attempted to get in a few words about the character of the parish and what it had stood for, asking, "Doesn't the congregation have some rights in the determination of this matter?" "I think not," replied the bishop. "I cannot for a moment believe that such upright and outstanding men as are on your vestry do not know what is best for the parish. I am ready to take their word. I think both you and your father have been misguided in what you have done. The primary function of the Church is to provide people with a place to worship and receive the sacraments. To me, your basic error is not so much your political views or even the chairmanship of the Council as it is that you, and your father as well, have compromised the Christian priesthood. By all kinds of activities which are controversial in charac-

ter you have made it difficult for loyal churchmen conscientiously to come to church and to receive the sacraments. It is this violation of your priesthood that I hold against you."

When Mr. Melish reported this conversation to his father, they prepared a brief letter indicating Mr. Melish's unwillingness to resign on any such basis and stating that they had reached this joint decision "for the good of the Church." Dr. Melish took the letter and drove to Garden City. He said to the bishop, "We are both in the hands of lawyers. This situation cannot be resolved by recourse to law. As an older man venturing to speak out of a lifetime of experience in the ministry, I have seen two of the finest parishes in the Episcopal Church smashed by the mishandling of just such an issue as this. The same can easily happen at Holy Trinity. I ask that you let this be worked out within the parish." He handed the bishop the letter.

It was bad enough to know that the proposed hearing would take place before a standing committee that had already committed itself to asking for the resignation of both ministers. To make the situation even more unfavorable, on the Sunday before the hearing, Bishop DeWolfe ordered that prayers for Cardinal Mindszenty be said in the parishes and missions of the diocese, and that a pastoral letter be read in all services. This letter extolled the Cardinal as "a martyr, a Christian martyr, a martyr of the whole human race"; it referred to the "trumped up" charges against Archbishop Stepinac; and it employed this militant language about communism:

> "The day of decision is at hand. Communism is anti-religious. It is anti-Christian because it denies God. It is anti-Christian because it denies the Christian doctrine of man—his dignity, his free will, his soul, that he is a son of God. It is anti-Christian because it rules by fear, whereas Christ rules through love. It is diabolical because it is anti-God and anti-man. None of its mouthed social material benefits, even though they were facts instead of promises, could compensate for the denial of human personality.
>
> "All men everywhere must rise up and withstand its insidious penetration, for very humanity's sake. We Americans possess political and economic blessings that are the envy of the world; but we must awake to the cankering worm among us, lest it rot those very blessings. But Christians have a peculiar obligation to resist Communism. It threatens not only intelectual integrity and physical freedom; it numbs men's souls. It is Communism which is the opium of the people, not Christianity. It says, in effect, 'Give us your freedom and we will make you gods.' Instead, it has made its followers slaves."

No one in the diocese could have the slightest doubt as to where the bishop stood. He had accepted on its face value the Vatican statements

on Mindszenty and Stepinac without any qualification, in spite of thoroughly authenticated facts that ought to have given him some hesitation, and he was adopting the extreme position on communism in defiance of the cautious and discriminating statements issued by his own Communion at the Lambeth Conference of Anglican Bishops, at which he was not present because of illness. Nor was he heeding the warning of the meeting of the House of Bishops in Winston-Salem against the spread of the current hysteria and its attendant persecution of individuals.

This was the atmosphere in which the hearing at Garden City opened, with all the members of the standing committee fully aware that the bishop had committed himself and the diocese to the position that a holy war was on, in which no quarter was admissible.

The position of the Melishes rested on the contention that this could not be safely or intelligently treated as an all-out holy war but required restraint and patience to sift out the wheat from the chaff in the tensions and conflicts involved. The standing committee was caught in an impossible position. If it sympathized with the Melishes, it slapped the bishop. If it sided with the bishop, it removed two sincere ministers dealing with a fundamental issue. It is not surprising that the mood around the hearing table was one of glum silence on the part of the clerical members with the chancellor and the lay members taking the lead. Unfortunately for the Melishes, the advantage of being on the popular bandwagon lay with the bishop. They were in the unpopular minority position. Which of the men—the bishop or the ministers—was closer to the spirit of the Sermon on the Mount and the Beatitudes of Christ, readers of the New Testament will judge. Under the procedure being followed, it was this bishop who would be the "final judge and arbiter" of the vestrymen's appeal.

The hearing was conducted behind closed doors with the press excluded. Judge Bromley presented the case for the nine vestrymen. There were two charges: first, that the rector was 73, his health impaired and his physical condition such that in the opinion of the vestry he was no longer able to fulfil the duties of his office; and, second, that dissension had broken out in the parish because of his refusal to discharge his son and assistant whose outside activities were detrimental to the parish. Mr. William Mason Smith Sr. represented the rector and put in evidence a statement by Dr. Melish's physician that his health was excellent and the signed statements of the 321 parishioners repudiating the action of the nine vestrymen. The basic argument of the defense was that the bishop had no canonical jurisdiction in this matter

since the clear meaning of Long Island Canon 27 (and General Canon 46) was that a dispute must exist between a parish and its rector to be adjudicable by the bishop. No such dispute existed between the parish and its rector but only a sharp difference of opinion between the vestry and the ministers.

Sixty members of "The Committee to Retain the Rector" were present and some dozen testified to the healthy state of the parish, the attendance at services, financial giving and organizational life, indicating that conditions were on a par with the best in the last ten years. The Rev. Walter Russell Bowie, D.D., Dean of Union Theological Seminary, was called to the stand and a letter from the Rt. Rev William Scarlett, D.D., Bishop of Missouri, was read in evidence, and a list was presented indicating numerous other clergymen and laymen who were ready to give corroborative testimony as to the character of the Melishes and that what they were accused of was not a subject of diocesan discipline. The limitations of the hearing have been described in the Church Press by the Suffragan Bishop of Newark, the Rt. Rev. Theodore R. Ludlow, D.D.:

"I attended the two day hearing given by the standing committee of the diocese of Long Island at the Cathedral House in Garden City to the complaint of the vestry of Holy Trinity Church, in Brooklyn, against the rector of that parish, Dr. John Howard Melish, concerning the outside activities of his son and assistant, the Rev. William Howard Melish.

"As one who was largely influenced by Dr. Melish in entering the ministry, my interest was more than academic. I sat through the proceedings with a sense of incredulous shame that anyone claiming to be a Christian, and knowing Howard Melish, even slightly, could bring charges of any kind against him. That tinge of regretful shame was reflected in the attitude of the standing committee and in the testimony of complainants and respondents alike. It soon became evident that it was not Howard Melish but the fellowship of the Christian Church which was on trial. Some there were who were not willing to remain in fellowship with one whose political and economic ideas, as expressed through the son outside the Church were not in agreement with their own. There was no charge of heresy or of immorality or of disloyalty to priestly vows, but simply incompatibility of temperament cloaked by the word 'dissension.' The other charge, that of being overage, was denied by the certificate of Dr. Melish's physician and the matter was quietly dropped even by the complainants. Even the word 'dissension' tended to become 'difference of opinion' as the evidence developed. But, of course, there will always be differences of opinion

concerning the gospel. 'I came not to send peace, but a sword.' 'Woe unto you, when all men shall speak well of you! For so did their fathers to the false prophets.'

"An immediate reflection concerning the hearing was the large part taken by laymen, even if one could not always approve of the way they played their part. At least they were there. The hearing was not conducted by a member of the hierarchy nor by a governmental minister of religion. We can be thankful that in our Church each branch of the fellowship has an equal responsibility for the well-being of the whole fellowship. As long as that is true, we will avoid the pitfalls of clericalism. I have said each branch of the fellowship has an equal responsibility, and yet, the astonishing fact is that, according to my recollection, not a clerical member of the standing committee asked a question or made a comment during the two days of the hearing. The one exception was the chairman, and his remarks were in the course of his job as presiding officer. Were they so unhappy about the situation of a fellow priest that they could not say anything? One hopes that was the reason for their silence. One would hate to think it was because they were willing or accustomed to having 'big' laymen manage their affairs for them. . . .

"While the word Communism was used in the hearing, it was used, as is too widely the case today, as an epithet and not as a term having an understood and defined meaning. There was absolutely no attempt to define Communism in the hearing. It was taken for granted that it would be understood by everyone present as something vicious and treasonable to the nation. This, too, in spite of the report prepared after careful consideration by a sub-committee at the Lambeth Conference last summer, which attempted to avoid such an unintelligent and hysterical use of the word. As secretary of that sub-committee, I speak with some knowledge of what the conference had in mind.

"But better than any personal recollection are the resolutions of the conference itself, adopted by the 329 bishops who were gathered from all over the world, most of them from far beyond the grip of hysteria that now agitates our country. Resolution 25 and 26 read as follows:

"25. *The Conference holds that while a state must take the precautions it regards as necessary to protect good order and peace from all subversive movements, it is the special duty of the church to oppose the challenge of the Marxian theory of communism by sound teaching and the example of a better way, and that the church, at all times and in all places, should be a fearless witness against political, social and economic injustice.*

"26. *The Conference believes that communism presents a challenge to Christian people to study and understand its theory and practice, so that they may be well instructed as to which elements in it are in*

conflict with the Christian view of man and must therefore be resisted, and which elements are a true judgment on the existing social and economic order.

"In a long-term policy to win the workers for the Kingdom of Christ, and to win them from a policy based on materialism, churchmen must begin by entering into the despair as well as the hope that has inspired modern communism. They must proclaim human rights without equivocation. They must practice corporately what they preach and so cleanse the household of faith that the spirit of God is able to work through it with power.

"Secondly, they must do full justice to the truth in communism, both its critical insights into history and its desire to help the oppressed. The church ought not to allow itself to be identified with social reaction. Its members should be ready for social and economic change and quick to welcome into the councils of the church men and women with the workers' experience of living conditions.

*"Thirdly, they must realize that those who accept an economic theory of communism as distinct from Marxian atheism do not thereby put themselves outside the fellowship of Christ's church. Experiments in communal living have always been a feature of the life of the church, and in our times its life and witness are being strengthened by fresh ventures of this kind."**

* Lambeth Conference, 1948, Report on the Church and the Modern World.

ENMESHED IN THE LAW

Six days after the hearing, while the standing committee was still preparing its report, the Brotherhood of St. Andrew held its annual corporate communion for the men and boys of the diocese. The bishop made this the occasion for a militant attack on communism. Where the Melishes had expressed their political opinions outside the church, the bishop had no hesitation about expressing his within the church, intruding his personal views into the worship and even the prayers of his parishes, and the communion breakfasts of the diocese.

Members of the standing committee were present. If there remained any doubt as to what the bishop expected of them, it was now more than clear. This was grim warning to the Melishes that the dice were loaded. Their appeal to reason and restraint was running into a head-on collision with blind emotion and intolerance.

"The Committee to Retain the Rector"—many of whose members heard the bishop—realized that unless a fight were put up at once, not only would they lose their ministers but the character of their parish would be smashed to pulp before their eyes. There might be differences of opinion about peace with Russia but this un-Christian spirit was quite another matter. It threatened everything that had made them ardent supporters of Holy Trinity.

"The Committee" needed legal assistance and secured as counsel a Brooklyn lawyer with experience in the civil rights field, Mr. Raphael H. Weissman. He consulted with the Smiths, father and son. After careful study of the Religious Corporations Act of the State of New York and many court decisions, the attorneys advised the Committee that there was legal precedent, sustained by the Court of Appeals, for the removal of officers of a religious corporation who had failed to act legitimately as the agents of the congregation that had elected them, and that a special meeting of the parish for this purpose might be demanded by the congregation and called by the rector. There was just one technical difficulty. The statute for the Episcopal Church said that the day for a special meeting must be fixed by the vestry. However, it is well-established in both common and corporate law that this type of statutory requirement may be waived when it is the sole

barrier to the calling of a meeting to remove a body that will not assist in its own removal. On February 26, 1949, the rector read to the congregation a demand from the parishioners that such a meeting be called, and set March 7, 1949, as the date for a special meeting to hear charges against the nine vestrymen and to vote on their removal. It was fully appreciated that this action would probably precipitate the bishop's Judgment.

The Lenten season began on March 2nd with the opening of the Community Lenten Noonday Services at Holy Trinity. The suffragan bishop of the diocese was the opening preacher. After the service he was lunching with Dr. Melish in the rectory when the doorbell rang. The suffragan hastily excused himself. Two emissaries from Garden City delivered a package containing the bishop's Judgment dissolving the pastoral relation between Dr. Melish and the parish, and establishing his pension rights. The parish was to match his stipend from the Church Pension Fund with an equal amount. Attached to the Judgment was a Memorandum and the Report of the standing committee. These three documents were simultaneously released to the metropolitan press.

It was Ash Wednesday indeed at Holy Trinity. The ministers were generally prepared for the decision but did not anticipate its delivery until after Ash Wednesday was past. For this indecent haste the bishop had a reason. Under the Canon the dissolution could not take place for thirty days and it was vital to the execution of the plan that it precede the annual meeting of the parish on Easter Monday. The pastoral relation would be terminated on April 4th, a good two weeks in advance of the parish meeting. This would remove the rector. The old vestry would still be in the saddle and would then fire the assistant minister. The bishop would be asked to send in a clergyman to conduct the Holy Week and Easter services. It might not be necessary to hold an annual parish meeting, since there would be no rector to call it, but, if it had to be held, the congregation would be faced with an accomplished fact and the vestry would be sustained. Dr. Melish would be more than adequately cared for in his old age (though how the parish was going to raise this additional tax was apparently never calculated) and the younger Mr. Melish would not have his clerical status impaired but would be safely out on the street. Holy Trinity would become a conventional and politically safe parish in the heart of Brooklyn.

The three published documents—the bishop's Judgment, the Memorandum and the Report of the standing committee—deserve a detailed

study. They are extremely interesting. The Report rejects the first count that Dr. Melish is too old, but sustains the second charge that there is serious dissension in the parish because he has not removed his assistant. Violating a fundamental principle in jurisprudence, it asserts that by failing to take the stand in their own defense, the two ministers concede the truth of all the statements contained in the newspaper "evidence" submitted. Then the standing committee states the real reason for its decision. The Report quotes this statement by Mr. George F. Kennan, chief moulder of American State Department policy towards Russia:

> "By the same token, exhibitions of indecision, disunity and internal disintegration within this country have an exhilarating effect on the whole Communist movement. At each evidence of those tendencies, a thrilling hope and excitement goes through the Communist world; a new jauntiness can be noted in the Moscow trend; new groups of foreign supporters climb on what they can only view as the bandwagon of international politics; and Russian pressure increases all along the line in international affairs."

The standing committee then makes this fundamental admission:

> *"We therefore approach the question before us upon the basis first, that Communism is incompatible with the Christian Faith and second, that there must be no exhibition of indecision, disunity or internal disintegration within this country in the disposition to be made of the question before us.*
>
> *"We further find that the activities of the Assistant Minister as chairman of the National Council of American-Soviet Friendship have been most detrimental to the welfare not only of the Parish but also the Church in the diocese and nation.*
>
> *"A priest of the Church whose activities leave doubt as to his attitude toward Communism must inevitably cause dissension in his Parish and bring scandal to the Church."*

No enquiry was made into what Mr. Melish's real attitude was, nor, as Bishop Ludlow has indicated, was the term "communism" so much as defined. The real substance of the standing committee's conclusion boils down to this: a war is on, and anyone who does not accept the official governmental position but criticizes it in any way, puts himself in the position of being an enemy and subverter of the State. For a Christian to speak out for Peace is subversive. There is not the slightest recognition that the State Department might be wrong in some judgment, or that administration policy might possibly be ill-informed or

misguided, or that the Church might have the function, even in a negative political situation, to proclaim the ethical ideal of human relationships as Christ has taught them. Caesar has spoken. The Church must render unto Caesar the things that are Caesar's. There is no mention of what the Church may owe to God.

In the Report, which the bishop later testified was written by the chancellor, some extraordinary charges are levelled against Mr. Melish as samples of his "detrimental outside activities." He wrote an article in *The Churchman* on the state of religion in the Soviet Union. It did not mention that the material paralleled the report brought back from Moscow by the Archbishop of York, Dr. Cyril Garbett. He wrote an article for *The Sunday Worker.* It did not mention that this article was requested by this paper so that its readers might know the facts about Dr. Garbett's Russian mission, and that the material used in its preparation was supplied by 281 Fourth Avenue—the Episcopal headquarters—after Mr. Melish had consulted with their publicity department as to the desirability of publishing an essentially religious article in a communist weekly and had been assured it could only be helpful. In 1946 he chaired a dinner for the Brooklyn Division of Russian War Relief. The Report conveniently omitted that the chairman of the Brooklyn Division was Mr. Hunter L. Delatour, and two members of the executive board were Colonel Jackson A. Dykman and the Hon. Edward A. Richards—all three members of the very standing committee that compiled the Report. It omitted to say that Suffragan Bishop Larned of the diocese had delivered the invocation at one of these rallies and that the diocesan Department of Christian Social Relations had sponsored the local Russian Relief program. Under oath in the Supreme Court, Mr. Melish later testified that Bishop DeWolfe himself had phoned him at Lake George in the midst of his summer vacation and asked him to come two hundred miles to the city to represent the bishop at a city-wide meeting of Russian War Relief, which, at great personal inconvenience, he had gladly done. Yet such diocesan approved activities were now being thrown in his face as "charges." Such are the depths of hypocrisy to which laymen and even a bishop can descend under the impact of a "cold war" and a hysteria run riot, when memories conveniently forget.

The Memorandum attached to the bishop's Judgment criticized the company that Mr. Melish had kept in his activities for peace. Ignoring the common rules of grammar, it stated that he associated with "atheists, Communists, agitators of world revolution, totalitarianism and almost every article which denies the Christian doctrine of man."

As horrendous examples of these dreadful people the Report had listed Dr. Corliss Lamont, a humanist teacher of philosophy at Columbia University, whom Mr. Melish had succeeded as chairman of the National Council and whose father had just given a half million dollars to the rebuilding of Canterbury Cathedral and its Schools; Mr. Leo Linder, an attorney who is the co-chairman of the Progressive Party in Brooklyn and an authority on Federal Health Legislation; and Mr. Joseph Kehoe, secretary-treasurer of the American Communications Association, for whose progressive union Mr. Melish three years running had been asked to open national conventions with prayer.

No better answer was given to the bishop's Memorandum than a column in a New York afternoon paper by its Washington political commentator, Mr. I. F. Stone:

IMAGINARY BISHOP

The Rev. Dr. John Howard Melish is 74 years old. He has been rector of Holy Trinity Church, Brooklyn, for 45 years. In the latter years of his ministry, he erred.

What were his errors? The error which got him into trouble was loyalty to his son, who was also his assistant rector. What was the son's error? He was accused of associating with "reputed atheists, Communists, agitators. . . ."

• • •

Dr. Melish refused to discharge his son. Dr. Melish's bishop has therefore removed him as rector, and removed him before Dr. Melish's own church members could make their opinion felt at the annual parish elections in April. I can imagine a bishop who would have acted differently.

"I do not approve the activities of Dr. Melish's son," I can hear this bishop tell a delegation come to ask for the rector's removal, "But I cannot say that I respect a man less for declining to abandon his son in the face of popular clamor.

"Many people feel that the association of the son with Communists, and pro-Soviet organizations has hurt the Church. I am inclined to think I would be doing the Church greater harm if I were to remove a venerable priest under the circumstances.

"Let us suppose that Dr. Melish is wholly in error. After so many years of service, does he not merit a little Christian forgiveness? Should we not be in greater error if we did not extend it?

• • •

I can see the bishop fall silent, get up and walk to look out upon his lawn. I can see him turn again with a wry smile.

"I do not defend young Melish's associations," the bishop continues. "I do not myself associate with 'reputed atheists, Communists, agitators.' Perhaps I would be a better Christian if I did.

"I make no comparisons but I think we might remember that these were the descriptions applied to the First Followers. Our faith was born among the despised and the outcast. Maybe it can only be revitalized from the same sources. Perhaps this is the inner meaning of 'Blessed are the Persecuted.'

"Certainly the test of a man's faith is what he is willing to risk for it. By that standard, the Melishes do not come out too poorly.

• • •

"Young Melish is chairman of the National Council of American-Soviet Friendship. I hold no brief for this organization. I know little about it. But I do know there is a debate underway over the issues of war and peace.

"There are few—too few—voices raised on the side of peace. These few may be misguided but I have too much faith in free discussion to believe it will hurt us to hear them.

"I would not have it appear that my Church helped to stifle some of those few. I would not want it said abroad that the war fever had risen so high in my country that two ministers who favored American-Soviet friendship were removed from their posts. I would not have it said that the Church worships the Prince of Peace but punishes those who try to apply his teachings in practice."

• • •

Too bad for the church, that mine is the imaginary bishop.

By a striking coincidence, on March 15, 1949, there appeared in all the New York papers a story from England quoting a statement by the Archbishop of Canterbury, the Most Reverend and Right Honorable Geoffrey Francis Fisher, D.D., as to why he did not remove the Dean of Canterbury, Dr. Hewlett Johnson, from his post. Said the Archbishop:

> **"Since it is frequently asked why the Dean is not removed from his office because of his opinions, I must say, first, that for removal from office the law requires trial and conviction in some civil or ecclesiastical court, and that the Dean has not rendered himself liable to a charge in either court. Secondly, in this country we greatly value the right to freedom of speech and the law is slow to curtail it, even when it proves inconvenient, irksome or hurtful. Its suppression is one of the grave charges against those totalitarian and police states which enjoy the Dean's confidence."**

How curious that Mr. I. F. Stone's "Imaginary Bishop" should turn up in England in an established Church and not in an independent Christian Communion in the Land of the Free and the Home of the Brave!

The publication of the bishop's Judgment did not deter the congregation from proceeding with the special meeting. 350 parishioners attended with almost the entire metropolitan press watching the gathering. Formal charges were laid against the nine vestrymen,

evidence was submitted in support of the charges, opportunity was given for rebuttal and discussion, and then a vote was taken. 261 voted to remove the nine vestrymen. 27 voted for their retention. This 10-to-1 tally is especially notable because it constituted not only a repudiation of the nine vestrymen but a direct rejection of the bishop's interference in the life of the parish. By this action the congregation was standing on its rights and demanding that they be respected.

Having removed the nine vestrymen, the congregation confronted the rector with the Religious Corporations Act which says that when no quorum of the vestry exists, the rector shall call a special meeting to fill the vacancies. On Sunday, March 13, 1949, notice was read at divine service that a special meeting was called for March 14th for the purpose of filling the unexpired terms of the nine vestrymen who had been removed.

Anticipating that this might be the next move of the congregation, the nine vestrymen had the papers prepared to seek a Court injunction against the ministers and the committee of the congregation. The moment the notice of the special meeting was read on Sunday, the vestrymen went into Court on Monday morning and filed the papers. Mr. Theodore Kiendl, a prominent attorney, was retained to represent them. The Court granted a restraining order preventing the holding of the special election and set the day for a hearing on the petition of the vestrymen for a permanent injunction. The nine vestrymen asked to be reinstated and that their right to function as vestrymen be sustained. By bringing in the bishop as a party-defendant, they also asked the Court to enforce the bishop's order of dissolution. *It is important to note that it was the nine vestrymen who sought recourse to the law.*

The hearing took place before Judge Alfred Norton in a crowded courtroom. After a presentation of the positions of the four parties to the action, the Judge issued a temporary injunction holding all things in statu quo pending the rendering of a court decision, and set Easter Monday, April 18, 1949 (the date of the annual parish meeting) as the date of the trial. In other words, the congregation had won the right to hold its annual meeting and the rector could be in the chair—the very thing the old vestry had been seeking to avoid and the dating of the bishop's Judgment had been so careful to preclude. The congregation had gained the first essential objective in its fight to retain its ministers, but now, unfortunately, by this action of the vestry, both ministers and people found themselves enmeshed in the Law.

A FIGHTING CONGREGATION

THERE WAS grim tension in the atmosphere of Holy Trinity. The Holy Week services were of a kind not soon to be forgotten. On Maundy Thursday it has been the custom to hold an evening celebration to commemorate the Institution of the Lord's Supper and to distribute a white rose to each communicant. Dr. Melish, knowing that it might be his last occasion to speak to his flock in the intimacy of the family circle, in a few simple words thanked them for their loyalty to the spirit of Christ. In the darkened church, as the parishioners, many with tear-filled eyes, moved forward into the light around the altar where the two ministers moved along the communion rail followed by the vested young men distributing the roses, the organist began to improvise softly on the Negro spiritual, "Were You There When They Crucified My Lord?"

The Three Hour Service on Good Friday was shared by the two ministers, as they had done for years, alternating the addresses on the Seven Words. There was no reference to what was taking place in the parish but the old story of man's inhumanity to man unfolded with dreadful solemnity. Few left the church until the final singing of "In The Cross Of Christ I Glory."

On Easter Sunday, for the first time since he came to Holy Trinity Mr. Melish preached the main Easter sermon to a congregation half again larger than that of the previous year. He took as his text the great passage from Second Esdras:

> "For unto you is paradise opened, the tree of life is planted, the time to come is prepared, plenteousness is made ready, a city is builded, and rest is allowed, yea, perfect goodness and wisdom: sorrows are passed, and in the end is showed the treasure of immortality."

He ended the sermon with a prayer that he had been asked to write many years before by the Brooklyn Church and Mission Federation for its annual meeting:

> "O God, who in thy Holy Word hast taught us that the figure of the city is our clearest symbol of the life to come, and hast shewn us that the finer bonds of sentiment betoken the Eternal Virtues; Grant

that we may live in this our city as expectant pupils, learning daily the lessons of the soul, discovering the rich deposits of our better natures, finding our own true selves in the service of our fellows amidst the toil and conflict, joys and sorrows of this city's life: so that, growing steadily in understanding of the things eternal, we may mediate them to our troubled times, and achieve them for our world, that life among us may provide a sweeter foretaste of that heavenly city's life, where our reward shall be to dwell with thee."

The next morning the trial opened in the Supreme Court of Kings County before Judge Meyer Steinbrink. The room was jammed with spectators so that the doors had to be closed. Parishioners, interested clergymen from many parishes and other protestant churches, spectators and the press filled every seat and overflowed into the area reserved for the attorneys as well as into the unused jury box.

Theodore Kiendl presented the case for the vestrymen. He asserted that there was grave dissension in the parish; that the vestrymen had done their duty in seeking the advice and counsel of the bishop; and that the bishop had found them justified in asking for the dissolution of the pastoral relation and had acted upon their petition. In consequence, his clients had been most unjustly penalized by members of the congregation who illegally and in direct defiance of their bishop had held a trial and attempted to remove them from office and replace them with others. He asked that the Court declare the special meeting illegal, forbid a new election, sustain his clients in the exercise of their offices, and enforce the bishop's Judgment.

Colonel Dykman represented the bishop and the diocese. He argued that everything had been done in conformity with the strict letter of the Canons of the diocese and the General Church. The vestry was the corporate body in the Episcopal Church and the only legal entity entitled to act. This was an Episcopal and not a congregational Church. He emphasized this point, "Thank God!"

The position of the two ministers and the congregation was presented by their attorneys, the two Smiths and Mr. Weissman. Their fundamental contention was that the General Canons specifically state that the vestry is the agent and the representative of the parish, and that the vestry may not properly request a dissolution that neither the parish nor the ministers desire. The bishop and the vestry were fully aware that 321 parishioners had repudiated the action of the vestry in filing the petition for dissolution. The vestrymen, in proceeding with the petition in direct defiance of the congregation to which they owed their representative capacity, had violated their moral and their legal duties; the parishioners were entirely within their rights in seeking

to remove them. To prove this contention, Mr. Weissman asked permission to put all 321 signatories on the stand. He began to ask them each in turn two questions: Did you sign the statement repudiating the action of the vestry? and: Do you refuse to obey the Judgment of the bishop? After a dozen had so testified in the face of severe cross-examination, the Court, to save time, admitted into the record that there were 321 parishioners at Holy Trinity who were opposed to the vestry's action and ready to refuse to obey the bishop's Judgment. The Court adjourned the first day's session in the late afternoon.

The annual parish meeting occurred that same evening in the church. This time there was no hesitancy on the part of the vestrymen about appearing or campaigning for their re-election. One warden and three vestrymen had their terms of office expire, and there was a fifth vacancy owing to a resignation of a vestryman for reason of ill health. "The Committee to Retain the Rector" put up a slate of five names of members pledged to work for the retention of the ministers and the maintenance of the parish policies. Friends of the old vestrymen put their names in nomination and for the fifth vacancy the name of a lawyer friendly to their position. After discussion from the floor, tellers were elected representing both groups, the ballot box was opened and the ballots cast. The vote was 234 for the new slate against 83 for the former members of the vestry. The meeting was concluded with the passage of a resolution instructing the new vestry to petition the bishop to withdraw his Judgment.

These events were reported to the Court the next day as the trial proceeded. Placed on the stand and subjected to intense cross-examination, Mr. Melish explained his relationship to the National Council of American-Soviet Friendship, named many bishops and clergy who had supported its work, and indicated that three other prominent Episcopalians had been elected to the current board of directors: Dr. Mary van Kleeck, former research director of the Russell Sage Foundation; Rev. William B. Spofford, Sr., managing editor of *The Witness;* and the Rt. Rev. Arthur W. Moulton, D.D., retired bishop of Utah. He filed with the Court a lengthy affidavit:

"I am not, and never have been, a Communist or a member of the Communist Party, and the National Council of American-Soviet Friendship, of which prior to March 16, 1949, I was chairman, is not organized to promote, or engaged in promoting, communism. Its purpose is to promote peace rather than war between Russia and the United States. My term as Chairman of the National Council of American-Soviet Friendship ended on March 16, 1949. . . .

"In November, 1942, I attended a week-end Congress of American-Soviet Friendship held at the Hotel New Yorker with the assistance of several Departments of the Federal Government and bringing together leaders of many professional and cultural fields to discuss American-Soviet relations in the light of the needs of the war effort. As a result of the thinking of this Congress, in February, 1943, a permanent organization was formed and incorporated under the laws of the State of New York—the National Council of American-Soviet Friendship, Inc. Believing that this work was a service to the national war effort, and knowing that it had the co-operation of the Federal Government, I went on the Board of Directors; and on June 12, 1946, consented to become its chairman. It was not until November 24, 1947 that the Attorney-General published a list questioning the character of the organization and indicating that association with it could be used in connection with the Loyalty Board reviews in determining suitability for employment in the Federal Service.

"I have continued as chairman through my third term of office, which expired March 16, 1949, because I believe the work of the Council to be in the interests of world peace, and to be entirely compatible with my obligations as a Christian minister to do all that lies in my power to represent One who was called 'The Prince of Peace.' The Council has never advocated the Russian system of government or economics, nor has it supported a policy of appeasement. It has expressed the conviction, shared by many prominent and informed Americans, that world peace depends upon the character of the relations between the United States and the Soviet Union, and that greater knowledge on the part of each country with respect to the other is indispensable; and that it is wise to explore the things we hold in common as well as the things about which we differ; and that peaceful negotiation between the two governments and systems must replace any reliance upon containment, armaments and division into separate camps. I consider my association with the Council as legitimate work for peace entirely in keeping with my profession as a Christian Minister.

"Nor do I hold that this work, even though it has offended certain members of the Vestry, has acted to the detriment of the parish of the Church of the Holy Trinity. The state of the membership, the number of individuals cooperating in parish committees and functions, the attendance at services, and the moneys contributed, are on as high a level as at any time in the period that I have been at Holy Trinity. Interest in the parish is keen and is growing. It is my measured belief that there would have been no situation in the parish of the kind that has developed, had not the Vestry assumed its prejudices to be representative of the congregation and to have forced an issue which

apart from their initiative would have been easily and quietly met.

"I declined to resign my office as Assistant Rector on the request of the Bishop, because he placed the request on the ground that my activities as Chairman of the National Council of American-Soviet Friendship, Inc., and my similar activities were harmful to the Church, which, in my opinion, was not true. I thought the Bishop was not correctly informed as to the facts. I knew that the parish was as prosperous numerically, financially and in the work it was accomplishing in the community as it had ever been. I knew that the work of the Parish was not being neglected but was being carried on as well as it had ever been. I felt that the Bishop's request was unreasonable and not based on an accurate knowledge of the facts, and that he should not have made it, and with the Rector's approval, I therefore declined to comply with it.

"At the hearing before the Standing Committee it was proved that the condition of the Parish was as above stated. The Standing Committee made no finding—and on the evidence it could make no finding —that the work of the Parish had suffered, or that the members of the congregation or their financial support had diminished. It contented itself with finding that there was 'dissension' in the Parish caused by my activities, without defining 'dissension.' But in every group of human beings, there is always dissension. Dissension means disagreement, and disagreement is not harmful unless harmful results flow from it. The Standing Committee did not find that any harm had resulted to the Parish. The basis of the Bishop's alleged judgment is that a priest in good standing cannot mix with persons having social and political views unacceptable to the majority of the community, and that a Rector, who does not discharge his Assistant Rector for so doing, can himself be removed from the Parish, against its will, in spite of his 45 years of devoted service. I submit that the Bishop's reasoning is unsound and his pretended judgment based on it ineffectual under the Canons of the Protestant Episcopal Church."

The Bishop then took the stand and was examined and cross-examined for nearly two hours. He admitted that the decision to remove the Melishes had been reached by the standing committee prior to the hearing at Garden City, which, in so far as he was concerned, had simply confirmed the opinion of them all that the ministers should be removed. He also admitted that he had seen neither of the ministers involved, except for the formal visitation of the parish, until the day before the vestry meeting when he had read to Dr. Melish the standing committee's resolution. He insisted that in his opinion every step had been taken in line with strict canonical procedure. There was no issue of theology or morals involved. There was dissension in the parish and he took the word of such prominent men as the vestry-

men that it was serious; in his opinion nothing in the testimony before the standing committee had contradicted their statements. When asked if other parishes had differences of opinion regarding their ministers, he replied there were many. Examined as to why he had not taken similar action, he answered that no other vestry had petitioned him. Asked if he would act if some other vestry did so petition, he replied that he would be obliged to consider any such petition.

The last witness was Dr. Melish who was treated with great courtesy by the Judge, who referred at length to old civic associations. He was given opportunity to speak about the history of the parish and the fine laymen who had supported its policies in the past and whose generosity had built up the endowment fund to maintain a parish of this character. He indicated that the kind of ministry that the bishop approved would be its spiritual death. There was close attention throughout his testimony and many signs of public sympathy as he came slowly down from the stand, cane in hand.

Judge Steinbrink the next morning took an hour and fifteen minutes to deliver the decision. He made no reference to the issues raised by the counsel for the defense as to the meaning of the Canon on the Vestry or the Canon on the Dissolution of the Pastoral Relation. He simply said that there was dissension in the parish and that the vestrymen and the bishop had taken the steps required by the Canon. These steps he rehearsed in a superficial running account. The special meeting to remove the nine vestrymen had been illegally called, the congregation had acted in a most unseemly manner in attempting to unseat such honorable and reputable members of the community, and the Court would make no comment on the congregation's defiance of the bishop. He therefore declared the rector removed as of April 4th. Then, citing various cases involving the separation of Church and State—a fundamental principle that must be meticulously sustained —with curious logic he turned around and slapped a permanent injunction upon the defendants restraining them from attempting to remove the nine vestrymen during their elected terms of office or interfering with the exercise of their authority, and enforcing the bishop's Judgment. The decision could not have been more sweeping or severe. Then turning to the parishioners crowding the benches, the Judge delivered a pious sermonette on the theme of the Passover and Easter Resurrection, suggesting to the people of Holy Trinity that now that the stone was rolled away, they should go forward to a new era.

Coming down from the bench, the Judge consulted with the lawyers and then proposed a private consultation in his chambers. With all

the parties gathered around the table, he suggested a compromise proposal: that Mr. Melish should resign, the bishop's Judgment should be withdrawn, the court decision should not be entered, the new vestry should be confirmed in office, and Dr. Melish continue for such time as he could as rector. Mr. Melish informed the Judge that this was substantially the proposal that the bishop had made to him prior to the hearing before the standing committee, and that he and his father had rejected it on principle. The Judge asked that he reconsider it, and, turning to the lawyers, urged that it be formulated in writing. If accepted by the ministers and the vestry, he would undertake to urge it upon the bishop. After three days of constant consultation, this proposal was rejected and Dr. Melish released a public statement, which said in part:

"I have been Rector for 45 years. During this long period I have sought to establish certain spiritual and moral values, with the aid of my many associates. It is these values which have given Holy Trinity its strength and usefulness.

"After the most careful consideration, involving consultations with many members of our parish and many of our friends in the Church-at-large, my son and I, not unmindful of the personal hardships that may accrue to us, are rejecting this proposal. *We believe that it compromises the basic principles of democracy within the Church, the rights of the congregation, the freedom of the pulpit, and freedom of conscience and speech. These principles must be unswervingly maintained at all times but especially in such a period as this when so many are accepting the inevitability of another war. Such a compromise betrays the traditions of this Parish, and, above all, endangers clergymen everywhere in the exercise of their prophetic and priestly ministry. Unless these rights are sustained, no minister is free.*

"The newly elected members of the Vestry who speak for more than three-quarters of the voting members of the Parish, as well as the Committee to Retain the Rector, wholeheartedly concur in this decision.

"I have advised my Attorneys to inform Judge Steinbrink that the proposal is rejected, and that no proposal will be acceptable that involves the silencing of a Christian minister in the conscientious performance of his duties.

"An appeal from the Lower Court's decision will be taken promptly. Pending an application for a stay in the Appellate Division, I shall not preach at Holy Trinity. I have asked the Vestry to see to it that divine services are maintained in the Church. My family and I will attend the services as members of the Parish. Together with the other parishioners we shall continue to work and pray for the preservation of the

long tradition of the Church of the Holy Trinity and the basic freedoms of our country."

The appeal of the Lower Court's decision will be heard in the October term of the Appellate Division, and, if necessary, will be further appealed to the Court of Appeals in Albany. In the meanwhile the new vestry is inviting outside clergy to maintain the Sunday services, its accredited representatives have been seated in the diocesan convention, and it is conducting parish business. Since it is the rector who has been removed by the bishop's action, Mr. Melish is still technically in the employ of the parish but is refraining from taking part in the services until the situation is further clarified. The congregation is organizing to maintain the continuity of its parish life.

The long strain of many months of tension, culminating in the services of Holy Week and Easter, the parish meeting on Easter Monday, the trial and its crushing decision, proved too much for Dr. Melish in his 74th year. A physical condition that normally could have been handled at leisure was aggravated by the strain and became acute. He was taken to the hospital where an operation was required. Now he is convalescing and regaining his strength. His fortitude during this bitter experience has further drawn his parishioners around him. As one of the diocesan clergy put it, "Dr. Melish has experienced his Good Friday; now he deserves his Easter."

THE BASIC ISSUES

No one can read this record of the situation at the Church of the Holy Trinity in Brooklyn without realizing that this is a most unusual, complex and important case. These two ministers are not ordinary, routine practitioners of the Christian Faith but conscientious exponents of its fundamental redemptive spirit seeking to reach out creatively into the pioneering frontiers of contemporaneous life.

It is easy to criticize the Melishes for venturing to influence national public opinion from the limited base of a modest parish. But to state the criticism is to raise a deeper question: Is not this precisely one of the functions of the ethical witness of the Christian Church?

That they put a strain upon the parochial and diocesan structure of the institutional Church by the public debate aroused around them is clear. On the other hand, they have caught the attention of men and women from Maine to California, from England to Australia, from Turkey to Russia and to China. They have given expression to something that multitudes of decent people want the whole world round—freedom from the fear of another war.

That they were close to something basic to the instincts of humanity can be gathered from the sense of shock and profound dismay that their removal has caused. Young men in the seminaries have met to discuss their case. For the socially-conscious and the prophetically-inclined it is a sober warning and a serious deterrent from entering the Christian Ministry. Innumerable queries have poured in, asking how people can help. On every side is a sense that something symptomatic of the times and indicative of the state of health of the Christian Church, is involved.

For the Episcopal Church the problem is most acute. Four basic issues have been raised. They are by no means limited to the Episcopal Church. They have their counterpart in other Communions. Although they are stated in the way they involve the Episcopal Church, it will be seen at once that they have meaning also for the wider Christian fellowship, and for the Synagogue and its freedoms as well.

¶

The Pastoral Relation. In the Melish Case there is a direct violation of the traditional respect for the pastoral relation between a minister and his people. This relation is the foundation of traditional Anglican parish life. It is Anglican practice to consider the pastoral relation on a par with the marriage bond—a sacred tie that is lifelong in character and not to be broken for any petty or transient reason but only where there has been gross infidelity or an actual breakdown in the relationship. Traditionally, this has meant, on the part of the minister, some grave charge of heresy, immorality, or neglect of duty to a degree that clearly damages a parish.

At Holy Trinity no such charges have been made. On the witness stand the bishop affirmed the integrity and the sincerity of both the ministers, and declared that no question of theology was involved. The issue was a political issue, and the charge was dissension. No proof that the parish was in jeopardy was produced. On the contrary, the evidence of many parishioners, none of it contested in the hearing or the trial, indicated that the parish is about as well off as it has been at any time in the past ten years.

Nor is there any question, after the signed statements of the majority of the parishioners and the voting at two closely watched parish meetings, that the vast majority of the parishioners wanted, and still want, to retain both their ministers. The ministers do not desire the separation. That there was a sharp difference of opinion at Holy Trinity is undoubted but that there was dissension placing the parish in jeopardy of survival has not been substantiated. The root of the vestry's determination to ask the removal of the ministers, and the real reason for the standing committee's recommendation and the bishop's action was a political judgment. To make matters worse, that judgment on the part of the diocesan authorities was extreme and in sharp contrast with the measured and discriminating opinion of the General Church (as expressed in the Lambeth Resolutions) and conflicted also with the position of such a responsible leader of the Anglican Communion as the Archbishop of Canterbury who agreed in substance with the feelings of the diocesan authorities on Long Island but held that the traditional respect for the pastoral relation and the importance of preserving freedom of speech took priority.

It would have been far wiser if the vestry and the bishop had allowed the question of policy which was agitating a section of the parish to be threshed out at a regular parish meeting and resolved by

normal democratic action. Perhaps a few members would have been disgruntled at the outcome and have withdrawn from the parish. Perhaps a few vestrymen would have been replaced by other conscientious laymen on a straight policy issue. Had the policy of the ministers been repudiated, they were committed to resign. Such a procedure would have been normal and would have involved no fundamental violation of Anglican principles or public scandal. What has now taken place is of a very different and far more serious character. An outstanding clergyman in the Episcopal Church has been forcibly retired against his will and the expressed wish of his people. A younger man of undoubted sincerity and ability has had his professional usefulness to the Church thrown into jeopardy. An entire congregation that desires to support its diocese and its bishop finds itself now in a position where it must fight for its rights against the intrusion of the episcopal authority into a situation the real nature of which was incorrectly estimated and the full gravity of which was certainly not correctly appraised. This action of the bishop strikes at the fundamental basis of Anglican Church Life—the pastoral relation.

¶

The Status of the Vestry. The General Canons of the Episcopal Church define the vestry as the agent and the representative of the parish. The language is unambiguous and the meaning clear. The vestry meets regularly and acts in behalf of the congregation. It is answerable to the congregation, and its members are held accountable for their stewardship in the sense that they must stand periodically for re-election.

The Canon on the Dissolution of the Pastoral Relation recognizes that situations may arise in which a disagreement between the parish and the minister may be of such gravity as to require the arbitration of the bishop. The Canon specifically puts the word "parish" first. It is a disagreement between the parish and its minister. The Canon assumes that the vestry will act as the agent and representative of the parish in petitioning for the arbitral judgment of the bishop. There is nothing in the Canon that gives the vestry the right to act upon its own initiative in such a situation as existed at Holy Trinity where it had reason to know that the parish did not wish it so to act. There is no issue of greater gravity in the life of a parish than the dissolution of the pastoral relation, especially one involving many years of ser-

vice. If there is the slightest doubt about the feelings of the parishioners, the vestry has a moral obligation to consult with the parish. At Holy Trinity, the vestry assumed that it represented the parish. It was warned by the ministers that it did not. It made no serious effort to test its own opinion against that of the parishioners. Indeed, it proceeded to petition for the separation in the face of signed statements by 70% of the congregation repudiating its proposed action. The congregation at Holy Trinity had good grounds for removing such irresponsible vestrymen. More than that, at the Garden City hearing before the standing committee, the spokesman for the nine vestrymen went so far as to state that the parish meeting could not pass on an issue of this importance. Here is a clear case of arrogance of authority by a vestry.

That the vestry was encouraged by the chancellor of the diocese to believe that it had this right only makes the matter that much the more serious. Colonel Dykman asserted in Court that the vestry is the corporation in an Episcopal parish and that the only specific canonical right belonging to the congregation is the right to elect the vestry. If the chancellor is confirmed in this outrageous interpretation, one can only agree with Dr. Shipler of *The Churchman* that the Episcopal Church ought at once to change its name to the "Vestriscopal Church." The fact that Colonel Dykman is the legal adviser to the Presiding Bishop and a member of the National Council of the Episcopal Church ought to concern every priest and every congregation in the entire Church who cares for traditional Anglican democracy and the rights of the congregation.

¶

Freedom of the Ministry. The most important issue in this case is the preservation of the freedom of the Christian Ministry to carry out its priestly and prophetic function in the light of the Christian conscience without undue vestry interference, episcopal intervention or external public pressure. The Melish Case is peculiarly interesting because it represents a conflation of all three factors.

There were tremendous external pressures bearing down upon these two ministers. The business community, with its fear of Russia, its reliance upon government spending on armaments to make jobs and profits, and its resistance to all manifestations of social change, does not make it easy for independent voices concerned with constructive criticism and social analysis. The war-mongering groups—the pro-

fessional demagogues, veterans' organizations, super-patrioteers — strike at honest voices counseling reason and restraint. Increasing in the United States are Roman Catholic pressures that may not always represent the best or the most disinterested public positions and that may require to be withstood. All these were clearly present in the case of the Melishes, as was admitted at the Garden City hearing by one vestryman who said that they had become sick and tired of hearing the criticism of their business and professional associates asking them why they did nothing about the stands their ministers were taking. There can be no real security for the clergy in their preaching or their community activities, if they are subject to removal by a group of laymen and a bishop on so precarious a charge as that raised at Holy Trinity—dissension. In any critical period, be it a time of "cold war" like the present, or a stretch of rapidly increasing unemployment, or some development of a local issue on which men's minds sharply divide, outspokenness means difference of opinion. If this is defined as dissension, all tenure and freedom for the ministry vanishes.

Dissension without some quite specific charge is a dangerous ground for the dissolution of the pastoral relation. What parish is there in which some degree of dissension cannot be claimed to be present? If that is all that needs to be proven to remove a minister, the clergy are at the mercy of any vocal group within their parish.

Nothing could be essentially more dramatic than the exchange that took place on the floor of the Long Island diocesan convention after the Melish dissolution when the question of amending the diocesan Canon came up. Colonel Dykman proposed putting additional teeth into it, and cited the weakness of the Canon in the Church of England where, as he put it, "It is impossible to remove square pegs from round holes." He mentioned one notorious case (an obvious reference to the Dean of Canterbury) and said the American Church must be relieved of any such canonical restriction. Mr. Melish replied that, while there was a need for a Canon to deal with misfits and tragic situations, he had received most of his training for the ministry in England and knew something of the security and the freedom of utterance given to the parish priest by the English Canon. In a time of profound social change, it is imperative to retain this protection to the clergy. If the American Canon remains as the diocese of Long Island has now interpreted it, and as the chancellor would like to apply it to the General Church, every clergyman had better stick to his parish knitting and forget that the Christian Faith has any redemptive business in the modern world.

¶

The Powers of a Bishop. Bishop DeWolfe and his standing committee have indicated a political position which the diocesan clergy must respect or be disciplined. The political position which they have adopted has serious implications. In a period of "cold war" with Russia, no criticism of the government is admissible, nor any public statement or association or action that can be construed as giving aid and comfort to "the enemy." The implications of this are frightening. The essence of totalitarianism is that the government is above criticism. The instant that the American people yield the right to criticize their government and admit that policies are sacrosanct, totalitarianism is on the way to being enshrined.

There is something terrifying when churchmen and leading laymen in the United States do just the opposite of their heroic Christian counterparts in Europe. There they fought the fascist manifestations of the State. Here they are supporting the sanctity of the State in the supposed interests of the Church. Moreover, Bishop DeWolfe has joined himself in the action of the vestrymen in the Courts in such a fashion that he can take advantage of the Courts' enforcement of his ecclesiastical judgment. The same religious leader who criticizes other nations for interfering in the affairs of the Church indirectly turns to the State to enforce his ecclesiastical decision. Is not this close to a violation of the basic principle of the separation of Church and State on which American Democracy rests?

These are among the considerations that make the action of the standing committee and the bishop so grave a backward step in the fight to maintain not only democracy within the parochial life of the Church but within the national life as well. Bishop DeWolfe has usurped powers that have never belonged to Anglican bishops. No Church in democratic America dares permit the bishop of a diocese to determine the political, social or economic thoughts of its clergy, nor can it afford to grant him the right to penalize and depose those whose opinions and activities are not in accord with his arbitrary opinions and activities. This is Thought Control. It is what the European knows as Clerical Fascism.

¶

Although this was in practical fact a political "heresy trial," the procedure adopted did not afford the defendants the protections

granted by the Canons in ordinary ecclesiastical trials, where a case is heard before one's clerical peers, and there is a right of appeal to the provincial court. This the Melishes—and the congregation—have been denied. It is a paradox that had they been accused and convicted of theological heresy, immorality or neglect of duty, they would have had the right of appeal outside the diocese. Yet in this matter, which involves the position of the General Church on a basic issue, and affects the tenure and freedom of all the clergy, they have been restricted to the limitations of the diocesan authority. *It ought to concern the national Church that some provision be made in the Canons for the review of a diocesan decision that so gravely concerns the entire body of the clergy and laity.*

These are the basic issues. They are complex but they are fundamental. The Episcopal Church must face them if it wishes to retain the loyalty of congregations that expect to be represented by their vestries, and to be accorded the type of parish in which they believe; if it wishes to interest intelligent and socially-alert young men in the Christian Ministry; and if it wishes to make the slightest indentation in the ranks of multitudes of working people for whom the Church is fast becoming an anachronism and an encumbrance.

The vestry of Holy Trinity, the standing committee and the bishop of Long Island have done the cause of the Episcopal Church, and the cause of Christianity, a grave disservice.

It is essential that the General Convention of the Episcopal Church revise the Canons so as to make this kind of procedure impossible, and indicate to the Courts that this decision in the Melish Case is contrary to the spirit and the intention of the present Canon.

It is essential that every effort be made to have the Appellate Civil Courts reverse Judge Steinbrink's decision.

It is essential that public opinion defend the right of the clergy and the right of all citizens to full freedom of conscientious speech, thought and action.

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